

2. In case of the change or death of owner or dissolution of the company which owns the aircraft.

3. In case of destruction or loss of the aircraft or its being unfit for use.

Article 5: The owner of the aircraft or his heirs are required to inform the Aviation Department of any change in the ownership of the aircraft or his share in it. They are required to inform the said Department if the aircraft is destroyed or lost or becomes unfit for use. Such notification must be made within fifteen days at most from the date of the death of the owner, the loss of the aircraft or the date the aircraft proved to be unfit for use.

Article 6: Aircraft registered in the Saudi Registration Log Book are not allowed to trespass the Saudi borders except under a previous permission obtained from the Minister of Defense and Aviation.

Article 7: Characteristic features of Saudi aircraft are:

a) Nationality mark.

b) Registration mark.

1. Three English letters designed by the Aviation Department for motor driven aircraft.

2. Three English letters designed by the Aviation Department for gliders.

Nationality mark must be written above the registration mark, and they should be separated by a dash.

Article 8: The characteristic feature letters should be in the largest size, all in the same size, and should not come to the edge of the board. The letters should not be openface or decorated and should be all in one color different from the color of the surface on which they are written. The letters should also be clean all times so that they can be read easily, and they should be written on the upper and lower surface of the aircraft wings. In case of bodyless aircraft such marks should be made on both sides of the cockpit and passengers cabin.

Article 9: Under a resolution of the Council of Ministers aircraft owned by foreigners who are residing in the Saudi Arabian Kingdom may be registered in the special Registration Log Book for foreign aircraft though they may not be registered in another country. Such registration is for the purpose of using the aircraft within the territory of the Kingdom.

Article 10: Aircraft owned by foreigners who are residing in the Kingdom which are registered in the foreign aircraft Registration Log Book in accordance with the previous article, is not required to bear the nationality mark but showing the registration mark is enough.

Article 11: The Minister of Defense and Aviation may, if circumstances relative to public interest necessitate, refuse to register any aircraft in the Saudi Registration Log Book. He may also order that any aircraft be crossed out of the said Registration Log Book.

In this case, the owner of the aircraft must stop its operations at most within a fifteen days period from the date he has been informed of such decision.

Article 12: Saudi subjects and Saudi companies who own aircraft which are already engaged or which they desire to engage in air navigation should submit applications to have their aircraft registered in the Saudi Registration Log Book within fifteen days period at most from the date of publication of this decision in the official gazette.

Application for registration should be made on the special forms and be submitted to the Aviation Department.

Article 13: Foreigners who are residing in the Kingdom and who are desiring to register their aircraft in the special Registration Log Book of foreign aircraft should submit their application, stating on it the reasons justifying such registration as well as all necessary information, to the Ministry of Defense and Aviation who in turn shall submit it together with its remarks to the Council of Ministers.

Article 14: Any one who submits an application for aircraft registration to the Aviation Department must attach with it the documents proving its ownership, nationality of the applicant and all other information required by regulations and instructions, together with the registration fee which amounts to one thousand riyals. The fee will be returned to applicant if registration request is denied.

Article 15: The Registration Log Book for Saudi aircraft and the Registration Log Book for aircraft owned by foreigners who are residing in the Kingdom as well as the registration application form must be in accordance with the forms approved under a decision issued by us.

Article 16: The Registration Log Book and the registration certificate cover the following statements:

1. Registration marks.
2. Date of registration.
3. Description of the aircraft (Name of manufacturer, number of type and serial number.)
4. Name and place of residence of the owner.
5. Number of registration.
6. Name of the original port of the aircraft.

Article 17: In addition to the statements indicated in the above article the Registration Log Book should cover the following:

1. Every change in the characteristics of the aircraft.
2. Transfer of ownership of the aircraft.
3. In case the aircraft is chartered, such information should be entered in the Registration Log Book indicating date and validity of charter contract and name and nationality of charterer.
4. Erasure of aircraft registration.

Article 18: A file for each aircraft registration of which is requested should be maintained. The serial number and the registration letters are to be written on the top of the file by the concerned employee. Such file should include the following:

1. Statements prescribed in the previous article.
2. Statement pertaining to the changes that happen to the ownership of the aircraft, its characteristics and information concerning its being chartered, lost or gone out of use.

Article 19: The concerned person shall be given a certificate of registration in accordance with the form attached herewith.

Article 20: The Director General of the Aviation Department is required to carry out this decision, circulate it among concerned authorities and parties and act in accordance with it as of the date of its publication in the Official Gazette.

ROYAL DECREE NO. 7/7/15 2559 ON 1ST. RABI' AWWAL, 1372

[NOV. 19, 1952]

Regulations for the landing and overflight of foreign military and governmental and diplomatic aircraft, in the territory of the Kingdom of Saudi Arabia and their exemption from payment of fees

Relying on God the Almighty,

We, Abdul Aziz bin Abdul Rahman Al Faisal Al Saudi, King of the Kingdom of Saudi Arabia,

In accordance with what the Minister of Defense and Aviation has submitted to us, and since it has been necessary to establish a regulation concerning the landing and overflight of the friendly military aircraft and the foreign governmental aircraft and diplomatic aircraft in the territory of the Kingdom of Saudi Arabia and their exemption from the payment of fees in accordance with the rules prescribed in the General International Law,

have ordered the following:

Article 1: The rules of sections 1 and 2 of this Decree is to be applied on the aircraft of the following categories:

a) Foreign Military aircraft belonging to Military, Air or Navy forces.

b) Foreign governmental aircraft designed for public service such as Customs, Police, mail and the like.

c) Diplomatic aircraft which carry foreign diplomatic representatives and attachés.

Section One—Air Navigation

Article 2: Taking into consideration the provision of Article 3 and 4, the categories of aircraft prescribed in Article 1 are not allowed to fly over the territory of our Kingdom or land in it unless they have obtained permission to do so from the Foreign Ministry which is approved by the Ministry of Defense and Aviation, or unless such permission is granted under a special agreement or in accordance with an international treaty in which the Saudi Government is a party, and unless they comply with the conditions provided in the permission.

Article 3: Aircraft shall not be allowed to fly over the territory of our Kingdom except via the corridors and over the places where flying is permitted.

Article 4: The Government may, when necessary and in spite of the permission referred to in Article 2 hereabove, prevent or restrict immediately and temporarily the flights over its territory or part of it.

Article 5: The Government has the right, in conditions and under terms it provides, to order any aircraft which may have entered any of the areas referred to in Article 3 and 4, to land as soon as possible in the airport which it indicates within its territory.

Article 6: Ammunitions and military supplies are forbidden to be transported in aircraft flying over the territory of the Kingdom or landing in it. Such aircraft are also forbidden to use photographic equipments and wireless transmitting sets in or over the Kingdom's

territory except under a special permission and in accordance with the provisions of such permission. The permission is issued by the Foreign Minister after the approval of the Ministry of Defense and Aviation. In case of violation of the restriction provided in this article the rule of Article 5 shall be applied in addition to the possibility of confiscation of the ammunitions, military supplies and equipments subject of the violation.

Section Two—Exemptions

Article 7: The categories of aircraft prescribed in Article 1, on the basis of reciprocity, are exempted from the following fees:

1. Landing fees at the Kingdom's airports.
2. Night stopping fees at the Kingdom's airports if the visits of the aircraft is incidental, provided that there is room for it and provided that such room is not reserved for another aircraft which is expected to arrive.
3. Customs duties on:
 - a) Fuels and oils supplied to the aircraft.
 - b) Equipment used for the necessary maintenance and repair of the aircraft.
 - c) The cargo existing on the aircraft provided that none of which is discharged on land or territorial waters of the Kingdom. Rules of customs regulation shall be applied if any of such cargo is unloaded. Goods prohibited to enter the Kingdom under the country's regulations such as beverages, intoxicating materials and weapons are, however, completely forbidden to unload.

Article 8: The exemption granted in article 7 is under the provision that the aircraft carries no ordinary passengers who pay for their tickets or cargo transporting charges are paid.

Article 9: Complete fees shall be collected from civil aircraft carrying diplomats who have paid for their tickets.

Article 10: The Ministry of Foreign Affairs, the Ministry of Defense and Aviation and the Ministry of Finance are required to carry out this decree, each in his field of concern, and act in accordance with it.

Issued at our Royal Palace in Riyadh on the first day of Rabi' al-Thani, in the year 1372 H.

ROYAL DECREE NO. 7/7/1/3456 REGARDING THE CONSTRUCTION OF AIRPORTS
IN THE KINGDOM OF SAUDI ARABIA

Relying on God the Almighty,

We, Abdul Aziz bin Abdul Rahman al-Faisal Al Saud, King of the Kingdom of Saudi Arabia,

in accordance with what has been submitted to us by the Minister of Defense and Aviation, and since it has become necessary to establish a regulation for the construction of airport in the territory of our Kingdom in accordance with the internationally prescribed rules in connection with such constructions, we have ordered the following:

Article 1: The construction of airports in the Kingdom of Saudi Arabia is the privilege of the Government and no one is allowed to

establish or prepare any land for the landing or taking off of any aircraft except under the supervision or permission of the Ministry of Defense and Aviation.

Article 2: The Minister of Defense and Aviation may issue ministerial resolutions establishing an area around each airport called "danger zone" which does not exceed 400 meters in width.

Article 3: It is not allowed to establish any buildings, poles, wires or any other thing that is considered an obstacle for aviation in the danger zone except under a previous permission from the Ministry of Defense and Aviation.

Article 4: The Minister of Defense and Aviation may allow the establishment of buildings or constructions in the danger zone, which are not higher than one twentieth of the distance between it and the area designed for the aircraft landing.

Article 5: In the areas around the danger zone the height of buildings, trees and constructions must not exceed one twentieth of the distance between such buildings and the airport border.

Article 6: It is not allowed to install near any airport lights which may dazzle the sight or confuse the lights and signals of air navigation.

The Ministry of Defense and Aviation is required to carry out this Decree and act in accordance with it.

SENEGAL

Law No. 63-19, February 5, 1963, Code of Civil Aviation

BOOK I. AIRCRAFT

Art. 1. In the application of this Code, an aircraft shall be deemed to be any contrivance which can maintain itself, and move in the air.

Art. 2. Aircraft used for such services as military, customs, or police services, are subject only to Articles 55, 56, 112, 114 and 119 of the Code of Civil Aviation, *insofar as the provisions of this Code are concerned.*

However, the provisions of Article 53 of this Code shall apply to such aircraft when they are used for other than their usual purposes.

TITLE I. OWNERSHIP, MORTGAGE, AND ATTACHMENT OF AIRCRAFT

CHAPTER I. REGISTRATION, NATIONALITY, AND OWNERSHIP OF AIRCRAFT

Art. 3. Every civil aircraft must be registered in a register kept by the Ministry in charge of civil aviation, under conditions fixed by decree.

Art. 4. Any aircraft registered in the Senegalese register shall have Senegalese nationality and must bear the nationality and registration marks provided for in a decree.

Art. 5. In the register defined in Article 3 above shall be registered any aircraft owned by a natural or legal person or persons of Senegalese nationality.

In order that a legal person or persons be deemed of Senegalese nationality in the sense of this law, the following must be the case:

In membership associations, all members must have Senegalese nationality.

In corporations with limited liability, the owners of the majority of the capital and the management must have Senegalese nationality.

In stock corporations the president, the director general, and the majority of the board members must have Senegalese nationality.

Art. 6. Except for the provisions of Article 7 below, any aircraft owned by a foreigner whose legal domicile is in Senegal, or by a foreign corporation or association whose main office is in Senegal, may be registered in Senegal.

The same shall apply to aircraft whose owner performs any activity which is useful for the economic or social development of Senegal.

However, registration of an aircraft owned by a foreigner shall be subject to an authorization granted by the Ministry in charge of civil aviation.

Art. 7. An aircraft which is registered abroad may not be registered in the Senegalese register except after showing that the foreign registration has been cancelled.

When any of the conditions specified in Articles 5 and 6 are no longer fulfilled, the owner of the aircraft must notify the official in charge of the register, who shall cancel the registration.

In the absence of notification by the owner, cancellation in the register shall be effected by a decision of the Minister in charge of civil aviation.

Art. 8. Legal relations between persons aboard an aircraft in flight shall be governed by the law of the country of origin of such aircraft.

However, when a crime or misdemeanor is committed aboard a foreign aircraft, the Senegalese courts shall have jurisdiction when the person who commits the crime, or against whom it is committed, has Senegalese nationality, or when the aircraft lands in Senegal subsequent to the crime or misdemeanor.

The courts of jurisdiction shall be those at the place of landing, or at the place where the arrest is made in the case where the person committing the violation is arrested at a place other than that of the landing.

When an event occurs aboard a Senegalese aircraft, the flight commander may take all measures he deems necessary to ensure good order.

In the application of this article, an aircraft shall be deemed in flight from the time when power is applied for take-off till the time when landing is completed.

In the case of lighter-than-aircraft the term "in flight" shall apply to the period between the time when such aircraft is detached from the ground and that when it is again attached.

Art. 9. Registration in the register shall be proof of title. The register shall be public and anyone may obtain a certified copy thereof.

Art. 10. Aircraft shall be personal property in regard to application of the rules of the Civil Code. However, transfer of ownership must be in writing and shall be without effect in regard to third persons unless there is a registration in the register.

Any change in ownership by reason of death and any judgment transferring, establishing, or declaratory of ownership must be recorded in the register at the request of the new owner.

CHAPTER II. MORTGAGE AND ATTACHMENT OF AIRCRAFT

Art. 11. Aircraft as defined in Article 1 of this Code may be mortgaged only by agreement between the parties.

Insofar as they belong to the owner of the aircraft, a mortgage shall affect the fuselage, the engines, propellers, board instruments and all parts permanently installed on the aircraft, whether they are fixed thereon or are temporarily detached.

Art. 12. A mortgage may, by a single document, be imposed on all or part of an airfleet belonging to the same person provided that the various elements of the fleet are specified in such document.

Art. 13. A mortgage may be extended to cover also spare parts suitable for the type of aircraft mortgaged provided such parts are specified in the document.

Such spare parts shall be kept in one or more places of which notice shall be given as provided for in Article 14. When they are used on aircraft to which they belong, they must be immediately replaced. The creditor must be notified of such use.

Art. 14. The spare parts mentioned in the preceding article include all parts constituting aircraft, engines, propellers, radio equipment, instruments, other equipment, furnishings, parts of various component parts and, in general, all objects whatever, which are kept for the replacement of parts constituting the aircraft, provided they are specified.

Appropriate notice, given at the place by way of posting, must duly notify third persons of the kind and extent of the mortgage on such parts and must mention the register where the mortgage is recorded, and the name and address of the mortgagee.

An inventory showing the kind and number of such parts shall be attached to the document recorded.

Art. 15. A mortgage is void unless it is in writing. The act establishing it may be public or under private seal. It must specify all elements affected by the mortgage. It may be on order: in that case, endorsement shall transfer title to the mortgage.

Any mention in the sales contract for an aircraft that all or part of the price remains to be paid to the seller, shall, without a contrary stipulation, constitute a lien for him as guarantee for the amount stated as remaining to be paid provided the seller requests recordation of such lien in the form provided for by decree.

An aircraft under construction may be mortgaged only when prior notice has been given to the agency in charge of the register. Such notice shall include the principal characteristics of the aircraft under construction; a receipt therefor shall be issued.

Art. 16. In the case of loss or crash of an aircraft, unless there is a contrary stipulation, the mortgagee may be subrogated for the amount due him for the insured as to the right to compensation payable by the insurer.

Prior to making any payment the insurer must request an official statement of the recorded mortgages. No payment shall discharge him if it is made in disregard of the rights of creditors listed on such statement.

Art. 17. All mortgages must be recorded in the register. They shall be without effect in regard to third persons until they are recorded.

Cancellation, and any modification of a mortgage by agreement between the parties or by a judgment shall also be recorded in such register.

Art. 18. When there are two or more mortgages on the same aircraft, their precedence shall be determined by the order of their recordation dates.

Mortgages recorded on the same day shall be of equal rank regardless of the hour of their recordation.

Art. 19. Recordation shall keep a mortgage valid for ten years from the date of its recordation. It shall cease to be effective when the recordation is not renewed before the expiration of such period.

Art. 20. Recordation of a mortgage shall guarantee, in the same precedence as the mortgage itself, interest for three years in addition to the current year.

Art. 21. Recordation of mortgages shall be cancelled when there is a legal act stating the agreement of the parties or a final judgment on the matter.

Art. 22. Except in the case of judicial sale in accordance with the provisions specified in a decree, registration of an aircraft may not be stricken from the register when recorded rights have not been cancelled prior thereto.

Art. 23. Only the following debts shall have preference to mortgages and be privileged:

- 1) Court costs incurred in the sale of an aircraft and in the distribution of the price received, in the common interest of the creditors;

- 2) Payment due for salvage of an aircraft;

- 3) Necessary expenses for the preservation thereof;

- 4) Debts resulting from the employment contract of flight crew members and other flight personnel, but as regards any salaries, only for a maximum of six months;

- 5) Fees for use of devices and aids to navigation and landing fees.

Art. 24. Creditors whose mortgage on an aircraft has been recorded, shall follow their security in whatever hands it may pass, for the purpose of collection and payment in the order of their respective recordation and after privileged creditors, subject to the provisions of Articles 23 and 27.

Art. 25. The privileges specified in the preceding article shall affect the aircraft or the insurance mentioned in Article 16. They shall follow the aircraft in whatever hands it may pass.

They shall be extinguished three months after the event which gave rise to them unless the creditor makes prior recordation of the debt in the register of the aircraft, after having given friendly notice of the amount, or in the absence thereof, after having commenced a legal action therefor.

They shall further be extinguished, independently of the normal methods of extinction of privileges:

- 1) By judicial sale of the aircraft executed in the form provided for by decree;

- 2) In case of voluntary transfer properly recorded in the register, at the latest one month after publication of the transfer in a journal of legal notices at the domicile of the vendor, unless, prior to expiration of such period, the creditor has given notice of such debt to the vendee at the domicile stated by him in the pertinent publications.

Art. 26. Debts specified in Article 23 shall be privileged in the order in which they appear in that article.

Debts of the same order of precedence shall be of equal rank and shall be paid at the same rate in case of insufficient funds.

However, debts mentioned in Article 23, 2) and 3) shall be paid in inverse order as regards the events which gave rise to them.

Art. 27. Privileges other than those enumerated in Article 23 shall rank after mortgages whose recordation precedes the arising of such privileges. However, in the case of sale in Senegal of an aircraft mortgaged in a State party to the international convention for the recognition of rights in aircraft, signed at Geneva on June 19, 1948, the rights provided for in Article 1 of that convention which exist on the aircraft may be exercised only in recognition of the rights of the persons who suffered damages on the ground as provided for in Article 7 of that convention.

Art. 28. Except in the case of judicial sale in the manner provided for by decree, the registration of a aircraft may not be transferred to another State except by prior extinction of recorded rights or with the consent of the persons entitled thereto.

Until this condition has been fulfilled, the official in charge of the register must refuse any cancellation.

Art. 29. When there is attachment of an aircraft registered in a State party to the convention for the recognition of rights in aircraft, signed at Geneva on June 19, 1948, no judicial sale may be had when the rights that have preference over those of the attaching creditor cannot be satisfied by the sale price or when they are not assumed by the vendee.

However, when a mortgaged aircraft causes damages to third persons on the ground within Senegal, the provisions of the preceding paragraph may not be invoked against such persons or their representatives in attaching the aircraft which caused the damages or another aircraft of the same owner.

Art. 30. Without thereby affecting more serious penalties, if they are in order, any act of destruction or removal, or attempt of destruction or removal, of aircraft or spare parts on which a mortgage has been properly recorded, shall be punished by the penalties provided for in Article 406 of the Criminal Code.

Any fraudulent act intended to deprive a creditor of his security shall be subject to the same penalties.

Art. 31. Senegalese aircraft, and when there is reciprocity foreign aircraft, shall be exempt from attachment under the conditions specified in the convention for the unification of certain rules on attachment of aircraft, signed in Rome on May 29, 1933, or in any convention amending it which is applicable in Senegal.

Art. 32. In the case of attachment for infringement of a patent, design or model, the owner of a foreign aircraft or his representative may have the attachment lifted by deposit of a bond the amount of which, in the absence of a friendly agreement, shall be set within the shortest possible time by the president of the trial court at the place of the attachment.

There shall be exempt from attachment the aircraft of public airlines and spare parts and accessories indispensable in their operation provided that, in the case of foreign aircraft, they lawfully entered Senegalese territory, and that there is reciprocity.

Art. 33. When the owner of an aircraft is not domiciled in Senegal, or when the aircraft has foreign nationality, any creditor shall have the right to attach the aircraft with the permission of the president of the trial court at the place where the aircraft has landed.

The respective judge shall lift the attachment when the owner offers to deposit a bond equal to the amount of the debt claimed and he may order such lifting by setting the amount of the bond to be furnished in cases where the extent of the debt is contested.

Art. 34. In the case of damages caused on the ground by the crash of a foreign aircraft or an aircraft whose owner is domiciled abroad, and in the case of a violation of this Code by a foreigner, all officials empowered by Article 80 to enforce Articles 1 to 83, and 110 to 121 of this Code, and particularly the administrative head of the place of the landing may ask the public authorities to detain the aircraft

for forty-eight hours in order to permit the judge to go to the place in question and to determine the amount of damage caused, but also, in the case of a violation, the amount of fines and costs.

Art. 35. The persons specified in Articles 80 and 81 shall have the right to attach any Senegalese or foreign aircraft which does not comply with the conditions for air navigation provided for in this Book or whose pilot has committed a violation.

TITLE II. FLIGHT OF AIRCRAFT

CHAPTER I. THE RIGHT OF FLIGHT

Art. 36. Aircraft may fly freely above Senegalese territory provided they observe the rules concerning air navigation and flight. However, aircraft of foreign nationality may fly above Senegalese territory only when they have been granted such right by diplomatic agreement or when they have been granted an authorization which must be special and temporary.

Art. 37. Use of aircraft on maneuvering areas of airdromes and in flight must be in compliance with the flight rules.

Flight rules, and powers and the role of the civil aviation services shall be established by decree.

Flight rules shall be applicable in the airspace under the control of the agency or agencies of the civil aviation services in the territory of the Republic of Senegal.

Outside the airspace as defined above they shall apply to aircraft which bear Senegalese nationality marks to the extent that this is compatible with the rules of the State, or of the international organization which has authority over the airspace where the aircraft is flying.

Art. 38. The right of an aircraft to fly over private property may not be exercised in such a manner as to infringe the right of the owner thereof.

Art. 39. Flight over certain areas or, in exceptional circumstances, the entire Senegalese territory may be prohibited by decree for reasons of a military nature or of public safety. The location and extent of prohibited areas must be specifically indicated in the decree.

Any aircraft committing a violation must land at the first request under the conditions specified in the decree.

Art. 40. Aircraft may not be flown in a negligent or careless manner which may endanger the safety of persons or property on the ground.

Aerial dives and acrobatics by civil aircraft must be executed in compliance with the rules issued in this regard.

Art. 41. Maneuvers of aircraft in public shows may take place only with authorization from the chief of the respective department on notification from the competent aeronautical authority.

When a test consists of a flight including successive landings, authorization shall be granted by the Minister of the Interior on notification from the Minister in charge of civil aviation.

CHAPTER II. LANDING

Art. 42. Except in case of *force majeure* or the cases provided for in the following paragraph, aircraft may only land on, and take off from properly established airdromes.

A decree issued on the report of the Minister in charge of civil aviation and of the Minister of the Interior, shall define the conditions under which certain types of aircraft may land or take off at places other than airdromes, with the agreement of the person who is entitled to the land or water area used.

However, such agreement shall not be required in the case of aid and salvage operations in which the aircraft are used.

Art. 43. In case of landing or setting down on water on private property, the person entitled to the land or water area may not prevent departure or removal of the aircraft when no attachment has issued except as provided in Article 34.

Art. 44. Aircraft which make an international flight must land on customs airports.

They may have to follow a specific air route to cross the border.

However, because of the nature of their operation, certain categories of aircraft may be exempted by administrative authorization issued on request by the Minister in charge of civil aviation, from landing on customs airports; in such case, the authorization shall designate the airdrome of arrival and departure and, if required, the air route to be followed and the signals to be given at crossing the border or at the limit of the territorial waters.

CHAPTER III. REGULATION OF FLIGHT OF AIRCRAFT

Art. 45. Any person who belongs to the flight personnel of an aircraft must have one or more valid patents and aptitude licenses, corresponding to his duties and issued under conditions specified by decree.

Art. 46. An aircraft may make a flight only when it has an airworthiness certificate issued after inspection of the aircraft under conditions determined by decree.

Decrees shall further determine the markings which must be affixed to an aircraft and the operational rules, particularly the documents which must be carried aboard and the technical operating conditions of aircraft.

Decrees shall also determine the operational rules applicable to foreign aircraft.

The costs for inspection required by the regulations for the issuance or renewal of the airworthiness certificate of aircraft shall be borne by the owners of the aircraft inspected under conditions specified by a decree issued on the report of the Minister in charge of civil aviation and of the Minister of Finance.

This decree shall specify, in particular, the rates of the costs to be reimbursed to the Treasury, when the inspection is made by officials of the State.

Art. 47. Without a special authorization it shall be prohibited to transport on aircraft any explosives, weapons, and ammunition, carrier pigeons, or mail included in the postal monopoly.

Transportation and use of photographic equipment may be prohibited by decree.

The conditions for transportation of dangerous substances, cultures of microbes, and small infected or dangerous animals shall be determined by decree.

Art. 48. No equipment for radio telegraph or radio telephone intended for the mobile aeronautical communications service may be installed or used aboard an aircraft without special authorization; the same shall apply to equipment for radio navigation or electromagnetic detection.

Aircraft for public passenger transport must be equipped with radio communication apparatus necessary for flight safety under conditions determined by decree.

In all cases, the crew members who use radio telegraph or radio telephone equipment must have a radio operator's license or a qualification for radio telephone; the use of such equipment must be in accordance with the regulations.

Art. 49. Any aircraft landing on an airdrome or on private property shall be subject to the control and supervision of the administrative authorities.

Art. 50. Any aircraft in flight anywhere must submit to the orders of the police and customs stations and aircraft, in whatever form such order may be given.

Art. 51. Aircraft flying exclusively over airdromes and areas approved by the administrative authorities as training areas, shall not be subject to the provisions of Articles 45 to 52, provided such flights do not constitute a public show. However, they may not transport passengers unless they have a certificate of airworthiness.

Art. 52. Airworthiness certificates, aptitude patents and licenses issued or validated by the State whose nationality the aircraft has, shall be recognized as valid for flight above Senegalese territory when reciprocity exists under an international convention or a decree.

TITLE III. DAMAGES, LIABILITY AND LOSS OF AIRCRAFT

Art. 53. During flight pilots must comply with traffic and flight rules and must take all precautions necessary to avoid damages.

Art. 54. In the case of damages caused by an aircraft in flight to another aircraft in flight, the liability of the pilot and of the operator of the aircraft shall be regulated by the provisions of the Civil Code.

Art. 55. The operator of an aircraft shall be fully liable for damages caused to third persons on the ground by the flight of aircraft, or by persons or articles falling therefrom.

Such liability may be reduced or avoided only by proof of negligence of the injured person.

Art. 56. Except with a special authorization, it shall be prohibited, other than in cases of *force majeure*, to throw from an aircraft in flight any goods or articles whatever, with the exception of regulation ballast.

In case of jettisoning by reason of *force majeure*, or jettisoning of regulation ballast or of specially authorized jettisoning which causes damages to persons and property on the ground, the liability shall be determined in accordance with the provisions of the preceding article.

Art. 57. In the case of charter of an aircraft, the owner and the operator shall be jointly liable to third persons for any damages.

However, when the charter has been recorded in the register, the owner shall only be liable when the third person proves negligence on his part.

Art. 58. An action for damage liability shall be brought in the court of the place where the damage was caused or in the court at the domicile of the defendant, at the choice of the plaintiff.

In the case of damage caused to an aircraft in flight, the court at the place where the damaged aircraft had to land after the injury, shall have jurisdiction.

Art. 59. The provisions of the Merchant Marine Code concerning aid and salvage at sea shall apply to aircraft in danger at sea and to pilots of aircraft who may render assistance to the persons in danger.

Art. 60. Any person who finds a wrecked aircraft must notify the nearest administrative authority within forty-eight hours after the discovery.

However, the rules concerning shipwrecks shall apply only to aircraft wrecked at sea or on the seashore.

Art. 61. In the case of disappearance of an aircraft without news, the aircraft shall be presumed lost three months after the date when the last news was sent.

The death of persons aboard an aircraft may, after expiration of such period, be declared by a judgment under the conditions provided for in Article 55 *et seq.* and in Law No. 61-55 of June 23, 1961, by application of the provisions of the Civil Code.

Art. 62. The manner of application of the preceding articles shall be determined by decree.

TITLE IV. CRIMINAL PROVISIONS

Art. 63. Any person shall be punished by a fine of from 60,000 to 1,200,000 frs. and by imprisonment of from six days to one month, or by only one of these penalties, who:

- 1) puts, or retains in service any aircraft which does not have a registration certificate, an airworthiness certificate, or a flight permit by way of exception;

- 2) puts, or retains in service any aircraft without the identification marks provided for in Article 4;

- 3) causes or permits to fly, any aircraft whose airworthiness certificate, or flight permit by way of exception has ceased to be valid;

- 4) causes or permits to fly any aircraft under conditions other than those specified in the airworthiness certificate and related documents, or the flight permit by way of exception;

- 5) causes or permits to fly any aircraft under conditions that are contrary to the provisions of Articles 36 and 48 of this Code.

Art. 64. Any person shall be punished by a fine of from 60,000 to 1,200,000 frs. and by imprisonment of from six days to six months, or by only one of these penalties, who:

- 1) flies, or participates in flying an aircraft without valid documents required by the regulations;

- 2) destroys or removes a flight log or any other flight document required by air regulations or makes in such log or any other document inaccurate notations.

- 3) flies or participates in flying an aircraft under the conditions specified in Article 63;

- 4) violates Article 42.

Art. 65. The penalties provided for in Article 63 shall be doubled when the violations specified in paragraphs 1), 3) and 4) of Article 63, and paragraph 1) of Article 64 have been committed after denial or withdrawal of the registration certificate, the airworthiness certificate, or the flight permit by way of exception, or the licenses required for crew members under the regulations.

Art. 66. There shall be punished by a fine of from 12,000 to 200,000 frs. and by imprisonment of from six days to one month, or by only one of these penalties:

- 1) any person who is found aboard an aircraft in flight without being able to justify his presence by a proper ticket or by permission of the operator or the flight commander;

- 2) any person who does not comply with, or refuses to comply with the instructions of the flight commander in view of the safety of the aircraft or that of the persons carried.

Art. 67. A pilot who does not comply with the provisions of Article 39 shall be punished by a fine of from 60,000 to 1,200,000 frs. and by imprisonment of from 15 days to 3 months.

Art. 68. Any person who affixes, or causes to be affixed to an aircraft, registration marks not in conformity with those on the registration certificate, or who removes or causes to be removed, or renders or causes to be rendered illegible properly affixed marks shall be punished by a fine of from 120,000 to 2,400,000 frs. and by imprisonment of from 6 months to 3 years. Any person who affixes or causes to be affixed to a private aircraft, the markings reserved to public aircraft or who uses or causes to be used a private aircraft bearing such markings, shall be subject to the same penalties.

Art. 69. The violation of the provisions of Article 47 by any person shall be punished by the penalties provided for in Article 63.

There shall be punished by the penalties provided for in Article 69:

- 1) any person who uses on an aircraft any article or apparatus the transport of which is prohibited;

- 2) any person who, without special authorization, uses photographic or motion picture equipment above prohibited areas.

Art. 70. Any person who has been sentenced for a violation of any of the preceding articles and who commits a further violation of a provision of this Code, or the same violation within a period of five years from the end of the imprisonment or from payment of the fine, or from prescription of these two penalties, shall be sentenced to the maximum imprisonment and fine and these penalties may be doubled.

Art. 71. There shall be punished by a fine of from 12,000 to 60,000 frs. and, according to the circumstances, also by imprisonment of from 6 days to one month:

- 1) any flight commander who does not keep or cause to be kept any of the flight documents required by Article 46, second paragraph, and any crew member specially ordered to keep them;

- 2) any owner or charterer recorded in the register who omits to preserve any of the flight documents for 3 years from the last entry;

- 3) any person who violates Article 40;

- 4) any person who violates the regulations concerning technical operating conditions of aircraft issued in application of Article 46.

In the case of repetition, there shall always be imprisonment. There shall be deemed repetition when, during the preceding year, a judgment has been rendered against the violator for one of these violations.

Art. 72. Any person who violates Article 41, or the decrees issued in application thereof, shall be punished by a fine of from 30,000 to 200,000 frs. and, according to the circumstances, [also by imprisonment].¹

Art. 73. A prohibition to fly, or to participate in flying an aircraft may be imposed by judgment or ordinance for a period of from 3 months to 3 years, against a crew member sentenced under Articles 65, 66, and 68.

When a crew member is sentenced for the second time for the same violation within the period provided for in Article 70, the prohibition to fly, or to participate in flying an aircraft shall be imposed and the duration thereof shall be for the maximum period and may be doubled. The patents, licenses, and certificates held by the violators shall be deposited for the whole duration of the prohibition with the clerk of the court which imposed the prohibition.

The persons sentenced must deposit such patents, licenses, and certificates either with the above clerk or the clerk at their domicile, within 5 days after the date on which the sentence has become final. under penalty of from 6 days to 1 month imprisonment and a fine of from 6,000 to 120,000 frs. without thereby affecting the penalties under Article 64 in the case that they fly or participate in flying an aircraft during the period of prohibition and such penalties cannot be intermingled.

Art. 74. In accordance with Article 56 of this Code any unauthorized jettisoning of articles from an aircraft in flight shall be punished by a fine of from 60,000 to 360,000 frs. and by imprisonment of from 6 days to 2 months, or by only one of these penalties, even if such jettisoning causes no damage, and without thereby affecting more severe penalties which may be imposed in case of other violations.

Art. 75. Any flight commander of an aircraft who, in the knowledge that the aircraft has caused or occasioned an accident on the ground, does not immediately notify the authorities of the nearest airport with which he can communicate, and thus attempts to avoid criminal and civil liability he may have incurred, shall be punished by the penalties provided for by the law in cases of the offense of leaving the scene of an accident.

Art. 76. The provisions of the Criminal Code pertaining to mitigation and aggravation of penalties shall be applicable to all violations specified in this law.

Art. 77. All provisions of laws relating to the prevention of violations of customs regulations shall be applicable to goods imported or exported by aircraft under any customs rule.

All unauthorized unloading and dropping of goods other than those necessary for the welfare of the aircraft shall be punished by the penalties provided for in the customs law in respect to contraband.

In case of a violation, the aircraft may only be used as surety for payment of the fine incurred, or may be subject to attachment which,

¹ Missing in original French.

however, shall be lifted when a bond is furnished or a deposit is paid to the extent of the fine.

Art. 78. In regard to goods exported in discharge of temporary admittance or bonding permits or subject to internal taxes, the shippers shall justify their shipment abroad by producing, within the periods specified, a valid customs certificate of destination under penalty of payment of four times the value of the goods.

Art. 79. Article 76 shall not be applicable to violations specified by the customs laws.

Art. 80. Violation of the provisions of this Book and of the regulations issued for its application shall be prosecuted independently by the officers of the judicial police, by the officials of the technical bureau of the Civil Aviation Board, by army or navy personnel, and by agents of the civil or military authorities appointed for such purpose, and by the gendarmes and customs agents.

Art. 81. The State attorney, the investigating courts, the justices of the peace, the police officers at the office of the State attorney designated by the Code of Criminal Investigation, the officials of the technical bureau of the Civil Aviation Board, army or navy personnel, and agents of the civil or military authorities appointed for such purpose, and the gendarmes and customs agents shall have the right to seize explosives, weapons and amunition, carrier pigeons, photographic equipment, photographic negatives and mail, as well as all radio telegraph and telephone equipment which may be on board without the special authorization provided for in Articles 47 and 48.

These authorities may seize carrier pigeons, photographic equipment and negatives which may be aboard any aircraft authorized to transport such articles in case such aircraft flies over prohibited areas.

Confiscation of articles and equipment lawfully seized shall be decreed by the court.

Art. 82. Any aircraft whose airworthiness certificate and registration cannot be produced or whose registration marks do not agree with those on the registration certificate may be detained at the expense of the owner or, in the case of a charter recorded in the register, at the expense of the charterer recorded by the authorities in charge of enforcement of this Code until the identity of the owner can be established.

Art. 83. The file stating the violations of this Code and the decrees provided for therein, shall be transmitted without delay to the State attorney.

BOOK II. AIRDROMES

TITLE I. AIRDROME REGULATION—ESTABLISHMENT

Art. 84. An airdrome shall be deemed any land or water area specially equipped for the landing, take-off, and maneuvering of aircraft including the related installations which may be present for the needs of traffic and service of aircraft.

Art. 85. An airdrome shall be called "open to public air traffic" when all aircraft which have the appropriate technical characteristics are authorized to use it, subject to the provisions of Article 88.

Art. 86. A decree shall state the conditions of establishment and use of airdromes whether or not they are open to public air traffic.

Art. 87. The opening of an airdrome to public air traffic shall be pronounced by ordinance of the Minister in charge of civil aviation after a technical investigation.

Closing of an airdrome to public air traffic shall occur in the same manner.

Art. 88. The use of an airdrome open to public air traffic may at any time be made subject to certain restrictions or it may be temporarily closed if flight conditions on the airdrome or in the adjoining airspace or reasons of public order justify such action. Such decisions shall be the subject of notices to air navigators.

Furthermore, when several airdromes open to public air traffic serve the same region, the Minister in charge of civil aviation may regulate their use in the general interest and particularly may specially reserve each of them for certain types of aircraft or for certain kinds of air activities or commercial operations.

Art. 89. All airdromes may be made subject to the technical and administrative control of the State.

Art. 90. Airdromes for public air traffic shall be subject to a classification established by taking account of the character and the importance of the traffic thereon.

Such classification may be extended to airdromes not for public air traffic when the conditions of use of such airdromes justify it.

Art. 91. Airdromes for public air traffic may be established by the State, by public organizations and public establishments, or by private natural or legal persons who fulfill the conditions specified by decree.

Art. 92. For reasons of national defense a decree may prescribe that the State temporarily or permanently replace the operator of an airdrome.

CHAPTER II. CLASSIFICATION

Art. 93. The technical and administrative conditions of the classification provided for in Article 90 of this law, the categories into which airdromes are divided, the procedure preceding the classification and the effects of the classification shall be determined by decree issued on the report of the Minister in charge of civil aviation, on the advice of the Minister of Justice, of the Minister of Finance, of the Minister of the Interior, and of the Minister of National Defense.

Art. 94. The classification of airdromes shall be declared by decree issued on the report of the Minister in charge of civil aviation, on the advice of the Minister of Finance, of the Minister of the Interior, and of other Ministers concerned.

CHAPTER III. FEES

Art. 95. On all airdromes open to public air traffic, the services rendered to users and to the public shall give rise to a remuneration in the form of fees levied for the benefit of the person rendering the service, and particularly for the following operations:

Landing of aircraft;

Use of devices of aid to aerial navigation;

Use of aeronautical telecommunications facilities;

Parking and hangar space for aircraft;

Use of installations equipped for the reception of passengers and goods;

Use of various installations and workshops;

Occupation of land and buildings;

Visits to all or part of the reserved areas of the airdrome.

Art. 96. Decrees issued on the joint report of the Minister in charge of civil aviation, and the Minister of Finance shall determine the fees and the method of levy.

Art. 97. The fees shall become due on use of the facilities, installations, buildings, and workshops, for which they constitute the payment, and they must be commensurate with the services rendered.

In case of non-payment of fees due from the operator of an aircraft, the operator of the airdrome shall be entitled to request the authority responsible for air traffic on the airport that the aircraft be held until deposit has been made of the amount in dispute.

TITLE II. AERONAUTICAL RESTRICTIONS

Art. 98. In order to ensure the safety of navigation of aircraft, special restrictions called "aeronautical restrictions" are imposed.

Such restrictions include:

1. Aeronautical restrictions for the purpose of clearance including the prohibition to create, or the obligation to remove, any obstacles that may constitute a danger to air traffic or impair the functioning and safety devices established in the interest of air traffic;

2. Aeronautical restrictions of marking carrying an obligation to provide visual or radio-electric devices on certain obstacles and locations in order to notify their presence to air navigators or to permit their identification, or to support the installation of such devices.

Art. 99. The provisions of this Title shall be applicable:

- a) To airdromes intended for public air traffic or established by the State;

- b) to airdrome not intended for public air traffic and established by a natural or legal person other than the State;

- c) to installations of aid to air navigation, or aeronautical telecommunications, but the provisions concerning restrictions established in the interest of radio-electric transmission and reception shall apply;

- d) to certain locations which constitute preferred reference points for air navigation.

Art. 100. The restrictions provided for in Article 98 shall ensure to air navigation conditions of safety at least equivalent to those resulting from the standards and recommendations of the International Civil Aviation Organization, in accordance with Annex 14 of the Convention on International Civil Aviation of December 7, 1944.

Art. 101. The Minister in charge of civil aviation or, for airdromes or air routes concerning him, the Minister of National Defense, may prescribe day and night markings or markings for day or for night time for all obstacles which he considers dangerous to air navigation.

He may further order the installation of visual or radioelectric devices of aid to air navigation.

He may also order the removal or modification of any visual device, other than a marker at sea, which is such as to create confusion with visual aids to air navigation.

Art. 102. In order to install the markings mentioned in Article 101, the administration shall have the right to build supports, to pass, to cut or trim trees, and the right to install devices on outside walls and roofs.

These rights may be exercised by the private persons who may be in charge of the markings.

Art. 103. Outside of the areas subject to clearance restrictions in application of this Title, the establishment of certain installations which, due to their height, may constitute obstacles to air navigation, shall be subject to special authorization by the Minister in charge of civil aviation or, insofar as it concerns him, the Minister of National Defense. Ministerial ordinances shall determine the installations subject to authorization.

Art. 104. When the reasons of the requirements of air traffic the competent authority decides on the expansion or establishment of airdromes or installations intended to ensure the safety of air navigation, the necessary land, if not already reserved for that purpose in a building plan under consideration or approved, may be declared reserved by regulations after a public investigation in the form prescribed by the provisions applicable to expropriation.

Art. 105. Decrees shall prescribe the methods of application of this Title.

TITLE III. CRIMINAL PROVISIONS

Art. 106. Any person who remains, or enters on any land prohibited by the general regulations and ordinances on airdromes affected with a public service, or who permits cattle, or carriage, pack, or riding animals to remain thereon, shall be subject to the penalties provided for this matter in the Criminal Code and, in addition, may be deprived of any right to damages in the case of accident.

The provisions of Articles 80 and 83 shall be applicable to this Article.

Art. 112. Violations of the provisions concerning aeronautical clearance and marking restrictions established in the interest of air navigation shall be punished by a fine of from 50,000 to 1,500,000 frs.

In the case of repetition, violations shall be punished by a fine of from 100,000 to 3,000,000 frs. and by imprisonment of from ten days to three months, or by only one of these penalties.

Art. 108. On request of the Public Ministry, acting at the request of the Ministry concerned, the court that has cognizance of the case shall, under penalty of 1,000 to 10,000 for each day of delay, impose on the persons who violate these provisions a time limit to remove or modify the structures subject to restrictions or to provide markings thereon.

When such time period is not observed, the penalty imposed shall be due from the expiration of said time limit until the day when the situation has been effectively remedied.

When the matter has not been remedied within one year from the expiration of the time limit, the court may, on request of the Public Ministry acting under the same conditions, collect one or several times

the amount of the penalty, even exceeding the maximum provided above.

The court may decree return of part of the penalties when the matter has been remedied and the person liable shows that he has been prevented by circumstances beyond his control to observe the time limit imposed. In addition, when at the expiration of the time limit set in the judgment the matter has not been remedied, the administration may do the work at the expense and risk of the persons liable therefor.

The penalties shall be collected by the revenue agents of the Treasury.

BOOK III. AIR TRANSPORTATION

Art. 109. Air transportation means the transportation by aircraft of passengers, mail and goods from one point to another.

TITLE I. TRANSPORTATION CONTRACT

CHAPTER I. TRANSPORTATION OF GOODS

Art. 110. The rules of the Commercial Code concerning transportation on the ground and by water shall apply to transportation by air, except as provided in the following articles.

Art. 111. Contracts for air transportation of goods shall be governed by the provisions of the Warsaw Convention of October 12, 1929 or any convention or protocol modifying it and applicable in Senegal, even if the transportation is not international in the sense of that convention.

Art. 112. Liability of a carrier of goods or baggage shall be governed, in the case of transportation by air, by the provisions of the Warsaw Convention of October 12, 1929, under the conditions provided for in Article 111 above.

Art. 113. The fraud provided for in Article 26, paragraph 4 of said convention, is one by which the carrier hides or tries to hide loss, shortage or delay, or by any other means prevents or tries to prevent the addressee from presenting his claims within the required time. The injured person shall also be relieved from the running of the statute of limitations as provided for in this law if he has been prevented from presenting his claim by *force majeure*.

Art. 114. An action for liability may be brought, at the choice of the plaintiff, either before the court of the domicile of the carrier, at his principal place of operation, or at the place where he possesses an establishment by means of which the contract was concluded, or before the court of the place of destination.

An action for liability must be brought, under penalty of losing the right, within two years from the day when the aircraft has arrived or should have arrived at the place of destination.

Art. 115. The carrier shall make out a manifest containing the type and nature of the goods carried. However, as regards domestic traffic in Senegal, variations may be granted by the Minister in charge of civil aviation.

Art. 116. Jettisoning of goods necessary for the welfare of the aircraft shall not create liability on the part of the carrier to the shipper and the addressee on account of such loss of the goods.

CHAPTER II. TRANSPORTATION OF PERSONS

Art. 117. Contracts for transportation of passengers must be made by delivery of a ticket.

The carrier must submit to the competent authorities a traffic form or, in the absence thereof, a passenger manifest.

However, this provision shall not be applicable to round trip transportation to the airdrome of departure without intermediate stop.

Art. 118. Liability for the transport of passengers shall be governed by the provisions of the Warsaw Convention of October 12, 1929, as provided in Articles 112, 113, and 114, above, and by all conventions applicable in Senegal which modify or amend it, even if the transport is not international in the sense of that convention.

For international transportation, the operators shall take the precautions necessary to ensure that the passengers possess all documents required by the States for purposes of control.

Art. 119. Liability of a carrier of persons shall be governed by the provisions of the Warsaw Convention of October 12, 1929 as provided for in Articles 112, 113, and 114 above. However, unless there are contrary provisions in the convention, a carrier who undertakes gratuitous transportation, shall not be liable within the limits provided for in said convention, except where it is established that the damage has been caused by a fault attributable to the carrier or his employees.

Liability of an air carrier may not be imposed except under the conditions and within the limits provided for above, whoever the persons bringing the action, and whatever the right they pretend to claim may be.

CHAPTER III. CHARTER AND RENTAL

Art. 120. In case of charter of an aircraft for a predetermined time, the crew members as defined by the regulations shall remain the agents of the aircraft owner, unless there is an agreement to the contrary.

Art. 121. The owner of an aircraft chartered to a third person shall remain liable for the legal obligations and shall be jointly liable with the charterer for any breach thereof.

However, when the charter contract is recorded in the register and when the charterer fulfills the conditions required for ownership in a Senegalese aircraft, such charterer shall be solely liable as operator for all legal obligations and shall be solely liable for any breach thereof.

TITLE II. CARRIERS

CHAPTER I. SENEGALESE CARRIERS

Art. 122. No one shall engage in any air transportation on a commercial basis and for payment unless he has been authorized by the Minister in charge of civil aviation.

Art. 123. Carriers authorized under Article 122 above, must submit for prior approval of the Minister in charge of civil aviation:

- 1) Their general plans for the purchase and rental of flight equipment;
- 2) Their plans of operation containing in particular an indication of the types of equipment normally used on each of the passenger services listed in such plans.

The rates shall be submitted for approval to the Minister in charge of civil aviation.

Transportation of a maximum of six passengers by aircraft whose weight is less than 5,700 kilograms shall not be subject to the obligations specified in this article.

Art. 124. Coordination between air transportation and transportation on the ground or on water shall be assured by the Ministers concerned after consultation of the competent organizations.

Art. 125. Air carriers shall be subject to the technical control exercised by the Minister in charge of civil aviation in order to insure air safety.

Expenses incurred by such control shall be borne by the carriers.

Art. 126. Control of air carriers by the State shall be exercised by the Minister in charge of civil aviation as regards technical operation and working conditions for the personnel, commercial operation and administrative regulation.

Art. 127. The Minister in charge of civil aviation may delegate certain functions of control to a technical organization set up for this purpose.

Art. 128. Authorized carriers must, on request by the officials in charge of control, open to them for inspection all documents which are necessary for the exercise of their functions.

Art. 129. The conditions of application of Articles 123 and 125, shall be affixed by decree.

The Company "Air Afrique"

Art. 130. The company "Air Afrique" established by the treaty of Yaoundé, signed on March 28, 1961, shall be deemed to have Senegalese nationality.

CHAPTER II. FOREIGN CARRIERS

Art. 131. The establishment and operation of scheduled foreign air carriers coming from, or going to Senegal, shall be subject to prior authorization by the Government.

Art. 132. The plans, timetables, rates and technical facilities for operation of foreign air carriers providing services from or to Senegal must be submitted to the competent aviation authorities under the conditions fixed by the latter.

Art. 133. Commercial transportation of passengers and goods between two points in Senegal shall be reserved to Senegalese carriers except for special and temporary exceptions.

CHAPTER III. PENALTIES

Art. 134. When an air carrier violates the provisions of Articles 123, 125, 132, and 133, the Minister in charge of civil aviation may decree, for all or some of the activities undertaken, the suspension or withdrawal of the permits or authorizations granted.

Art. 135. Any Senegalese or foreign air carrier who, without authorization or in violation of the conditions prescribed in the authorization issued to him, undertakes in Senegal any air transportation, shall be punishable by a fine.

Such fine shall be imposed by any agent empowered to pursue violations in air traffic matters, particularly by airdrome commanders, and shall be paid in cash to the qualified agents, particularly to collectors of fees attached to airdromes.

Such fine shall be in proportion to the weight of the aircraft and shall be established on the basis of 25,000 frs. per ton, for each transport.

The weight considered shall be the maximum take-off weight under the airworthiness certificate.

Any fraction of a tone shall count as a ton.

If payment of the fine is refused, or in case of repetition, the aircraft may be sequestered on the request of the competent aviation authorities.

BOOK IV. FLIGHT PERSONNEL

TITLE I. GENERAL PROVISIONS

CHAPTER I. PATENTS, LICENSES, AND QUALIFICATIONS

Art. 136. The titles designated "patents" denote general overall theoretical and practical knowledge. They are issued after an examination and are permanently acquired by the titleholders.

The title designated "licenses" denote an aptitude and the right, for titleholders of patents, to perform the corresponding functions subject to the qualifications provided for in the following article. Licenses are valid only for a limited time; they may be renewed after periodic examination for the various aptitudes required.

The list of patents and licenses, the conditions required to obtain them, the rules, plans, and regulations for pertinent examinations and the rules for exemption of candidates who possess certain Senegalese or foreign titles denoting knowledge at least equal to that required for such examinations, shall be fixed by decree.

In no case shall the beneficiaries of the exemptions mentioned above be exempt from the practical examination.

Art. 137. The performance of functions corresponding to the different licenses is subject to the titleholder's possession of special professional qualifications in view of the aircraft, the equipment, and the conditions of the flights contemplated.

The definition of the special professional qualifications, the conditions to obtain and renew them, the plans and regulations for the respective examinations shall be fixed by decree.

CHAPTER II. DISCIPLINE

Art. 138. A disciplinary board of the flight personnel of the Civil Aviation Board shall propose to the competent Minister the application of the penalties provided for in Article 140 in regard to members of the flight personnel of the civil aviation found guilty of violations of this law, amendments thereto, and of regulations issued thereunder.

Art. 139. The disciplinary board of the Civil Aviation Board shall be divided into two sections:

- Professional flight personnel;
- Private flight personnel.

It shall be presided over by the Minister in charge of civil aviation. Membership, functioning, and jurisdiction of the disciplinary board shall be fixed by decree.

Art. 140. Disciplinary punishment under the jurisdiction of the disciplinary board are:

Temporary withdrawal, with or without return of one or more licenses;

Permanent withdrawal of one or more licenses.

Removal from the register as provided in Article 150.

Art. 141. In case there is serious reason to presume that there is liability of the aircraft commander or a crew member, and while awaiting the conclusions of the disciplinary board, the competent Minister may suspend the person concerned from his duties for a period not to exceed two months.

If the person concerned is a member of the professional flight personnel, he shall receive his guaranteed minimum salary during the time of suspension.

Art. 142. The person concerned may challenge the board members in the manner provided for in the Code of Civil Procedure in the case of judges.

Art. 143. The flight commander shall make a detailed report within forty-eight hours following any accident or event which may have serious consequences whether on the ground or in flight, or any violation of the flight rules.

Art. 144. The Minister in charge of civil aviation shall undertake all investigations and inquiries in order to determine and state the cause of accident and other events.

Art. 145. The Minister in charge of civil aviation may establish a commission of investigation, the membership of which shall be fixed by ordinance.

Such commission of investigation must hear the representatives of the organization and the flight personnel concerned, or their representatives.

Reports of the investigation shall be transmitted to the courts at their request and, if the Minister in charge of civil aviation so decides, to foreign States who have participated in the investigation, to the Ministries, carriers, aviation clubs, owners of aircraft involved in the accident and to the *Journal Officiel* for publication.

Art. 146. When the commission of investigation finds professional negligence, a copy of the file shall be sent directly to the disciplinary board of the Civil Aviation Board.

TITLE II. PROFESSIONAL FLIGHT PERSONNEL

CHAPTER I. CATEGORIES

Art. 147. Professional flight personnel of civil aviation shall be deemed any person performing, as a permanent and principal occupation, either on their own account or on account of another person, for profit or remuneration:

The command and flying of aircraft;

Flight service of the engines, various machines and equipment necessary for flight and navigation of aircraft;

Flight service of other equipment installed on aircraft, particularly photographic and meteorological equipment, or equipment for agricultural work and equipment for parachute jumps. Supplementary flight services shall include particularly the commercial flight personnel of air transportation.

Art. 148. The professional flight personnel of civil aviation shall belong to one or more of the following categories:

- Testing and admissions;
- Air transport;
- Aerial work.

Art. 149. For application of this Title:

- 1) Testing and admissions are defined as follows:

All tests, performed in flight, on the ground or water, under the direction or control of the manufacturers or representatives of the State, with the purpose of research in the characteristics and perfection of aircraft and all test flights;

- 2) Air transport is defined as follows:

Any air operation performed for payment or salary, for or during transportation of passengers, mail and cargo;

- 3) Aerial work is defined as follows:

Any paid air operation in which aircraft is used for purposes other than transportation or testing and admissions as defined in paragraphs 1 and 2 of this article.

It shall include in particular flight instruction, demonstration and publicity flights, photography, parachute jumping, advertising and agricultural air operations.

Art. 150. The classification of the professional flight personnel shall be established by decree.

No person may be a member of the professional flight personnel of civil aviation unless he is registered in a special register.

However, personnel of the supplementary flight services for less than six months need not be registered in such register.

Art. 151. To be first registered in any register, the applicant must fulfill the following conditions:

- 1) Have Senegalese nationality;
- 2) Hold patents, or, as the case may be, valid licenses on the respective register;
- 3) Have not been sentenced to prison or a more serious penalty either for a crime or offense against decency or *contra bonos mores*.

There shall be determined by decree issued on the report of the Minister in charge of civil aviation:

- a) The rules applicable to the establishment and keeping of such registers;
- b) The conditions under which changes in registration, refusal of registration, suspension, cancellation and re-registration are in order, and conditions under which the persons concerned must justify their registration.

Art. 152. Persons who do not have Senegalese nationality may be authorized to perform temporarily the duties reserved by Article 147 to the professional flight personnel of civil aviation.

In each case such authorization shall be granted by a decision made by the Minister in charge of civil aviation within the framework of the laws and regulations concerning the control of residence and work permits.

As an exception, their registration in the registers of the professional flight personnel of civil aviation may, in specific instances be authorized by an ordinance of the Minister in charge of civil aviation.

CHAPTER II. THE AIRCRAFT COMMANDER AND THE CREW

Art. 153. The crew shall consist of all the persons present aboard for the service of the aircraft in flight. They shall be subject to the orders of the aircraft commander.

Art. 154. Membership of the crew shall be determined in accordance with the type of aircraft, the kind and duration of the trip to be made and the nature of operations for which the aircraft is used.

The members of the crew shall be appointed by the operator and carried on a list as required by the regulations.

A list of names of the crew shall be made out before each flight, in accordance with the regulations.

Art. 155. The functions of aircraft commander shall be exercised by a pilot.

The aircraft commander shall be named first on the crew list.

In the case of death or disability of the aircraft commander, the command of the aircraft to the place of landing shall be exercised as a matter of law in the order set by such list.

Art. 156. The aircraft commander shall be responsible for the execution of the mission. Within the limits defined in the regulations and the instructions of the competent authorities and the operator, he shall choose the route and flight altitude, and shall determine the distribution of the cargo of the aircraft.

He may delay or suspend the departure and, during the flight, even change the destination whenever he finds it necessary for safety reasons and provided he gives an account by furnishing reasons for his decision.

Art. 157. The aircraft commander shall have authority over all persons aboard. He shall have the right to remove from the aircraft any person among the crew or the passengers or all [or] part of the cargo that may present a danger for the safety, the welfare or good order aboard the aircraft. If he considers it necessary, he may, during the flight, discharge all or part of the cargo of merchandise or fuel, provided he renders an account thereof to the operator. If any choice is possible, he must jettison goods of low value.

He shall have command of the aircraft during the whole flight.

Art. 158. The aircraft commander shall be consignee of the aircraft and shall be responsible for the loading. In the case of difficulties in the execution of his task, he must request instructions from the operator. If it is impossible for him to receive precise instructions, he shall have the right without special orders:

a) to incur expenses necessary for the accomplishment of the mission undertaken;

b) to have repairs made that are necessary to permit the aircraft to continue its mission within a reasonable time;

c) to take all measures and incur all expenses to assure the safety of the persons aboard and the safekeeping of the cargo;

d) to hire additional personnel for the completion of the mission and to discharge them;

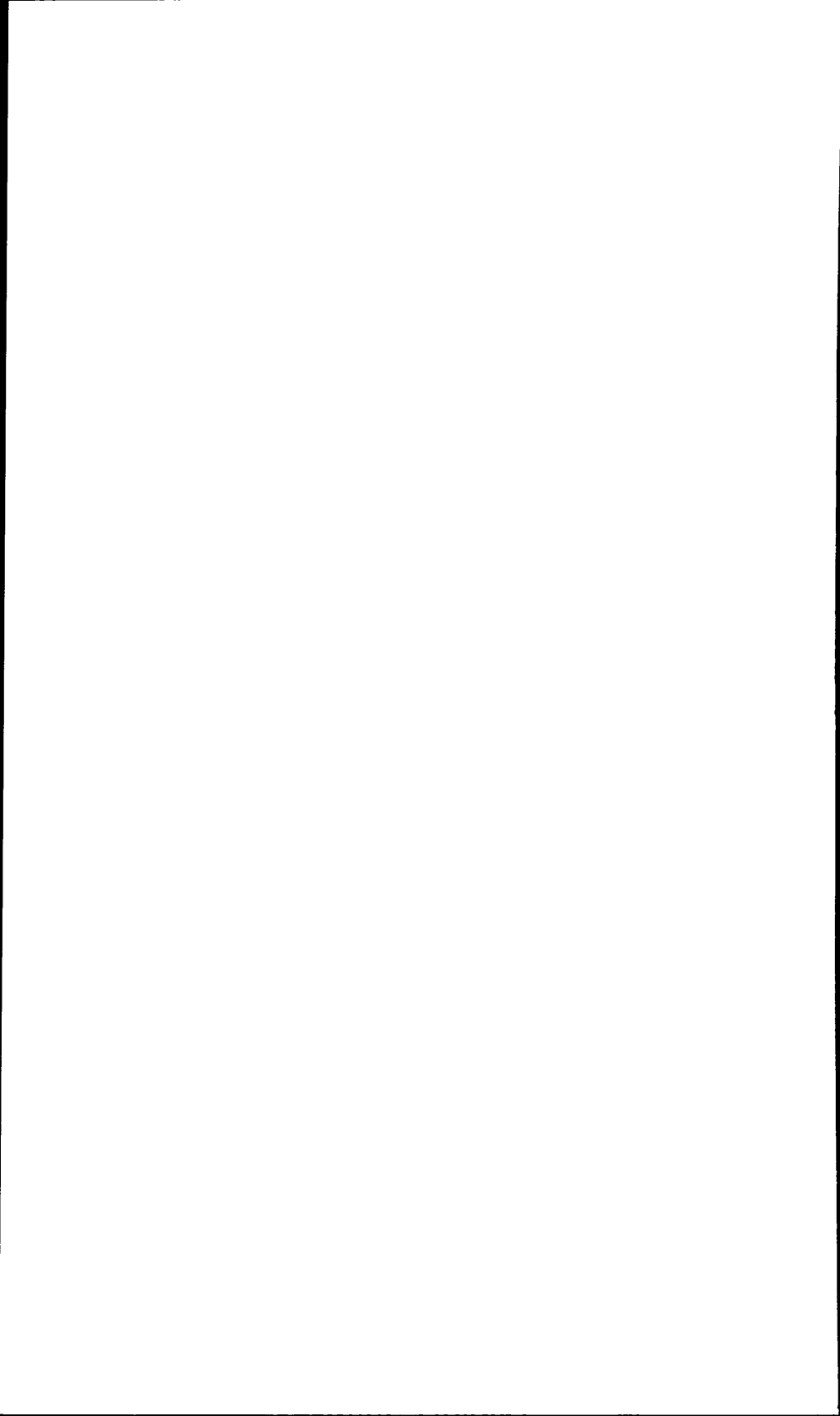
e) to borrow the amounts necessary to permit performance of the measures specified in the preceding paragraphs.

If the case arises, an action shall be brought before the court that has jurisdiction over commercial matters.

CHAPTER III. CRIMINAL PROVISIONS

Art. 159. Any person who performs any duty requiring certificates, licenses and qualifications for professional flight personnel of civil aviation in violation of the provisions of this Title shall be punished by a fine of from 40,000 to 240,000 frs. and by imprisonment of from ten days to one month, or by only one of these penalties.

Any officer of an enterprise who entrusts such duties to a person who does not fulfill the conditions required in this Title, shall be subject to the same penalties.



SIERRA LEONE

CUSTOMS REGULATIONS ¹

PART V.—ARRIVAL AND REPORT OF AIRCRAFT AND SHIPS

23. The master of every steamship or of any other ship specially allowed to report after bulk is broken arriving at any port or at any place in Sierra Leone specially allowed by the Comptroller shall unless the Comptroller otherwise directs present to the boarding officer immediately after boarding and before breaking bulk the report of the ship's stores in such form as the proper officer requires and of any packages and parcels for which no bill of lading has been issued in the Form C 4 and shall point out to such officer the location of all such stores and produce to him all such packages and parcels and comply with any instructions which such officer may give regarding the landing, entry and delivery of any such stores (if permitted), packages and parcels:

Ship's report
inwards.

Provided that when the master under dispensation of the Comptroller as aforesaid is not required to report his stores to the boarding officer immediately on arrival he shall report them in the space provided on the Form C 5 when he makes his inward report in accordance with regulation 28.

24. The master of a ship required to report before bulk is broken may, if permitted by the proper officer, make report of the stores and of any packages or parcels for which no bill of lading has been issued on the cargo report in the manner and giving the particulars required by such officer but, if not so permitted, shall report the stores and packages or parcels for which no bill of lading has been issued in the manner set out in regulation 23.

Reporting
before
breaking
bulk.

25. The master shall produce to the officer all such stores, packages and parcels and shall comply with any instructions which the officer may give regarding the landing, entry and delivery of any such stores (if permitted), packages and parcels.

Master to
produce
stores, etc.

26. All stores which are required for the use of the master, officers, crew and passengers while an aircraft or ship is in port shall on request be produced separately to the boarding officer who may either approve of the quantity produced or require a portion or the whole of such stores to be placed under seal. All other stores must be sealed by the boarding officer. Should the quantity of

Use of
stores in
port.

¹ Laws of Sierra Leone, 1960, vol. VIII, Cap. 271.

stores unsealed prove insufficient, application for the unsealing of further stores shall be made to the proper officer who will release such quantities as in his discretion he considers necessary and re-seal the remainder:

Provided that the boarding officer may permit any stores to remain unsealed where he is satisfied that due precautions will be taken against the smuggling of the stores so left unsealed.

Arms,
explosives,
matches, etc.,
crew
declaration.

27. The master of any aircraft or ship shall immediately upon the demand made to him by an officer deliver to him a list of all cargo consisting of arms, explosives, matches, petroleum products or any other goods which may be required to be deposited on arrival in a special place of security and a written declaration in the Form C 62 by each member of the crew of all dutiable articles in his possession.

Form of
ship's
inward
report.

28. The inward report of every ship shall be in the Form C 5 and shall be presented to the proper officer on arrival at any port in Sierra Leone or at any other place in Sierra Leone specially allowed by the Comptroller.

Form of
aircraft's
inward
report.

29. The inward report of every aircraft shall be in the Form C 6 supported by detailed declarations of the goods made out by the consignors in the Form C 7. At the time of making his report the master shall produce his journey logbook for stamping by the proper officer.

Initialling
of folios.

30. Each separate page of any report submitted under regulations 28 and 29 other than that on which the declaration is signed must be initialled by the master or agent who signs the report and such master or agent shall number and seal together the pages and shall if required sign the report in the presence of the proper officer.

Travelling
copy of
inward
report for
aircraft.

31. When an aircraft calls at more than one port or place in Sierra Leone a separate report shall be made at each port or place of call and a travelling copy of the Form C 6 giving the required particulars of all the goods on board shall be produced to the proper officer for endorsement at each such port or place of call and finally handed over by the master or agent to the proper officer at the last port or place of call in Sierra Leone.

Aircraft and
ships
bringing to or
landing
within Sierra
Leone after
clearance.

32. (1) Subject to sub-regulation (2), where an aircraft or ship before arriving at a port or other approved place or having left an approved port or place for a destination outside Sierra Leone is compelled to bring to or land within Sierra Leone owing to accident, stress of weather or other unavoidable cause, the master shall forthwith report to the nearest officer or the nearest Administrative Officer in charge of a district and shall on demand by such officer produce the journey logbook or other papers relating to the aircraft or ship or to its cargo and passengers and shall not allow any goods to be unloaded therefrom without the consent of such officer and no passenger thereof shall leave the immediate vicinity of the aircraft or ship without such officer's consent.

(2) If any such place as aforesaid is a private aerodrome, wharf or quay the master shall forthwith report the arrival of the aircraft or ship and the name of the place whence it came to the proprietor of such place who shall forthwith report the arrival of the aircraft or ship to the nearest officer or to the nearest Administrative Officer in charge of a district and shall not allow any goods to be unloaded therefrom or any passenger thereof to leave such private aerodrome, wharf or quay without the consent of such officer.

33. The contents of every package and of all cargo in bulk intended for discharge in Sierra Leone including packages and cargo declared in transit and for transshipment shall be reported in accordance with the description thereof contained on the relative bill of lading or detailed declaration made out by the consignors as the case may be:

How packages and cargo to be described.

Provided that the contents of all packages containing spirits, wines, tobacco, cigars, cigarettes, firearms, ammunition, explosives (including gunpowder), aviation and motor spirit, refined petroleum, illuminating oil, matches, animals, plants and all goods the importation of which is restricted shall be specifically reported.

33A. Spirits shall not be imported in ships of less than 100 tons burden.

Spirits imported by sea. Weight or cubic measurement of cargo to be shown.

34. (1) The report of every ship shall show the weight or cubic measurement of the cargo reported according to each bill of lading and shall contain a declaration that such weight or measurement is the weight or measurement according to which freight has been charged or if no freight has been charged then the weight or measurement normally chargeable for the like kind and quantity of goods. The totals of such weights and measurements shall be shown at the bottom of each page of the report and a summary of the totals of each page shall be shown on the last page of the report on which the total tonnage shall be stated in words at length.

(2) For the purpose of this regulation a ton measurement means a measurement of forty cubic feet but may in the discretion of the Comptroller but not otherwise include a ton calculated on an agreed basis other than that of forty cubic feet.

Meaning of "ton measurement."

35. Goods in transit or for transfer to another aircraft or ship for re-exportation of goods allowed to be dealt with in the manner provided for in the proviso to regulation 63 must be shown separately in the inward report in the following form—

Reporting transit or transshipment cargo

"The undernoted cargo is hereby reported in transit/to be transhipped to . . ."

36. In the case of ships other than steamships all cargo whether consigned to Sierra Leone or not shall be reported in the manner described in regulations 33 to 35.

Report for ships other than steamship.

Cargo
remaining
on board.

37. In the case of aircraft and steamships, cargo remaining on board for exportation may be reported as "General cargo remaining on board for exportation" unless the proper officer in any particular case otherwise directs.

Overcarried
cargo.

38. Where the report contains particulars of cargo which has been previously reported in Sierra Leone by an aircraft or ship and overcarried and returned in the same or in another aircraft or ship such cargo shall be separately reported under the heading "Cargo reported by the aircraft/s.s. . . . on (date) and overcarried".

"In
ballast."

39. Aircraft and ships having on board no goods other than stores and the personal baggage of passengers shall be reported "in ballast".

Amending
inward
reports.

40. Where goods are found to be discharged in excess or short of the report the master or his agent may make application to the proper officer for permission to amend the report. Such application shall be in the Form C 8 and shall set out the reasons for the discrepancies:

Provided that if after having reported cargo to be landed it is desired to clear an aircraft or ship without landing a part of such cargo the application to amend the report shall, in respect of such part, state only that it is desired to retain the same on board for re-exportation.

Conditions
precedent to
granting
amendments.

41. Before the proper officer gives permission for a report to be amended the master or his agent shall satisfy him in the case of goods found to be short either:

(a) that the goods were not loaded, or

(b) that they were discharged and landed at some previous port, or

(c) that they were overcarried and landed at a subsequent port; or

(d) that having been overcarried they were returned to and landed in Sierra Leone on the return voyage or by some other aircraft or ship which loaded them at the port to which they were overcarried.

Rummaging.

42. The master, officers and crew shall give all possible assistance to officers engaged in rummaging an aircraft or ship.

Sufferance
wharves.

43. If the master of an aircraft or ship wishes to proceed to a sufferance wharf or any place other than an approved place of loading or unloading there to load or discharge cargo he must apply to the proper officer for permission in the Form C 9. The proper officer may grant such permission subject to such directions and conditions as he may see fit to impose and to the payment by the master or his agent of fees at the appropriate rates of overtime for each officer employed during the aircraft's or ship's stay at such wharf or place.

Goods landed
at sufferance
wharf to be
pre-entered.

44. No goods may be loaded or unloaded at a sufferance wharf or any place other than an approved place of loading or unloading until they have been duly entered by the exporter or importer as the case may be:

Provided that the Comptroller may generally in regard to any particular sufferance wharf or place or in any particular case waive or modify this requirement.

45. If at any aerodrome within Sierra Leone, goods or passengers are loaded or embarked for conveyance by air to a Customs aerodrome within Sierra Leone, the master shall obtain from the proprietor of the aerodrome of departure a certificate of departure in the Form C 10 and produce it to the proper officer immediately on arrival at the Customs aerodrome.

Private
aerodromes.

PART VI.—ENTRY, UNLOADING AND DELIVERY

46. (1) The tariff item number of each article entered and the item number thereof according to the official import or export list as issued and amended from time to time by the Comptroller by notice in the *Gazette* shall be shown in the space provided for the purpose upon all entries and shipping bills and each article shall be described in the manner required by the import or export list as the case may require.

Preparing
entries.

(2) Where the tariff provides alternative rates of duty for any goods, the entry relating thereto shall, if the proper officer so requires, show on the face thereof the amount of the duty chargeable at the rate to which such goods are liable and on the reverse thereof the amount of duty chargeable at the ineffective alternative rate under the heading "Alternative calculation (no charge)" followed by the declaration by the importer as to the correctness thereof.

PART IX—ENTRY OUTWARD AND CLEARANCE OF AIRCRAFT AND SHIPS

99. The entry outwards required for ships other than steamship shall be in the Form C 39 and shall be signed by the proper officer on production of a certificate of rummage in the Form C 40.

Entry out-
ward for
ships.

100. The master or agent of every ship departing from any port in Sierra Leone shall at the time of applying for clearance present to the proper officer the content outward required by section 120.

Content
outward for
ships.

101. (1) The clearance of a ship shall be in the Form C 41.

Clearance
for ships.
Form of
content
outward.

(2) The content outward of a ship shall be in the Form C 42 and shall contain particulars of all goods shipped in accordance with the description contained in the relative export entries or other appropriate forms together with the weight or cubic measurement of such cargo in the manner prescribed in regulation 34.

102. The content outward of an aircraft shall be presented in duplicate in the Form C 6. At the time of presenting his content the master shall produce his journey logbook to the proper officer for stamping together with

Content
outward and
clearance
for aircraft.

Goods loaded
short or in
excess.

detailed declarations of the goods loaded made out by the consignors, in the Form C 7. The stamped journey logbook and one copy of the content stamped and signed by the proper officer shall be the clearance and authority for the aircraft to proceed on its journey.

103. Where goods are found to have been loaded short or in excess of the content outward the master or his agent may make application to the proper officer for permission to amend the content. Such application shall be in the Form C 8 and shall set out the reasons for the discrepancies.

Separate
contents for
each port.

104. A separate content outward for each aircraft or ship must be presented at each port or place of departure in Sierra Leone.

"Nil"
contents.

105. Where no goods are loaded at any port or place of call a nil content outward must be submitted.

Coastwise
clearances
and
transires.

106. The combined clearance and transire for coasting aircraft and ships and their cargo under the provisions of section 142 and the transire for coastwise cargo carried by aircraft and ships coming from places outside Sierra Leone under the provisions of section 102 shall both be in the Form C 43.

Separate
transires
for each
port.

107. When cargo is loaded by an aircraft or ship for carriage coastwise to more than one port or place in Sierra Leone separate transires must be prepared for each port or place.

When
transires not
required.

108. Transires are not required for cargo carried coastwise in aircraft or ships belonging to the Government of Sierra Leone but goods liable to export duty and imported goods on which the duties of Customs have not been paid shall not be carried in such aircraft or ships except in such cases and subject to such conditions as the Comptroller may order generally or in any particular case direct.

THE CIVIL AVIATION ACT, 1949.²

P.N.
156 of 1959.

THE AIR TRANSPORT (LICENSING) REGULATIONS, 1959

made by the Governor, with the approval of the Secretary of State in exercise of the powers conferred by section 13 of the Civil Aviation Act, 1949, as applied to Sierra Leone by the Colonial Civil Aviation (Application of Act) Orders 1952 to 1958.

Citation
and com-
mencement.

1. These Regulations may be cited as the Air Transport (Licensing) Regulations, 1959, and shall be deemed to have come into operation on the 18th day of December, 1958.

PART I.—INTERPRETATION.

Definitions.

2. "Air service" means any service performed by any aircraft for hire or reward: provided that a member of

² Laws of Sierra Leone, 1960, Vol. VIII.

a club carried in an aircraft belonging to the club for the purpose instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage.

"Gazette" means the Sierra Leone *Royal Gazette*;

"Licence" means a licence granted under regulation 5;

"Minister" means the Minister charged with responsibility for matters relating to civil aviation;

"Permit" means a permit granted under regulation 21;

"Provisional licence" means a licence granted under regulations 13 and 14 of these regulations;

"Scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them;

"Sierra Leone" means the Colony and Protectorate of Sierra Leone.

PART II.—LICENCES FOR SCHEDULED JOURNEY

3. This Part shall not apply to the carriage of passengers, mail or cargo by air for hire or reward upon journeys other than scheduled journeys.

4. (1) Subject to the provisions of these regulations, it shall not be lawful for any person to use any aircraft for the carriage in Sierra Leone of passengers, mail or cargo for hire or reward upon any scheduled journey between two places, of which any one is in Sierra Leone except under and in accordance with the provisions of a licence or a provisional licence granted under these regulations.

(2) Any persons who uses any aircraft in contravention of the provisions of these regulations shall be liable in the case of a first offence to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment; and in the case of a second or subsequent offence to a fine not exceeding five thousand pounds or to imprisonment for a term not exceeding two years or to both such fined and such imprisonment.

(3) The provisions of this regulation shall not apply in respect of the aircraft of any State which is a party to the International Air Services Transit Agreement signed at Chicago on the 7th December, 1944, which fly across Sierra Leone without landing or which land in Sierra Leone in accordance with the provisions of that Agreement.

5. (1) The Minister may grant to any person applying therefor for a licence to carry passengers, mail or cargo by air for hire or reward on such scheduled journeys, and subject to such conditions, as may be specified in the licence.

Application
of Part.

Restriction
on opera-
tion without
licence.

Minister
may grant
licence.

(2) The Minister may attach such conditions to any licence as he may think fit having regard to the nature and circumstances of the application therefor.

(3) It shall be a condition of every licence that—

(a) the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall—

(i) refuse booking facilities to any other holder of a licence;

(ii) shall grant such facilities to such other holder only on onerous terms; and

(b) the holder of the licence shall perform all such reasonable services as the Minister may from time to time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon journeys made under the licence. The remuneration for any such services shall be such as may be from time to time determined by agreement between the Minister and the holder of the licence;

Provided that any dispute, difference or question which may arise as to the remuneration to be paid to the licence-holder in respect of such services or as to the rights, duties or liabilities of the licence-holder or the Minister hereunder or otherwise in relation to any of the matters aforesaid shall in default of agreement be referred to arbitration in pursuance of the provisions of the Arbitration Ordinance.

Cap. 25.

Applica-
tions for
licences.
First
Schedule.

6. Applications for licences shall be made in the form and manner and shall contain the particulars prescribed in the First Schedule hereto. Every applicant shall furnish to the Minister such further information as the Minister may reasonably require.

Publication
of notice of
applications.

7. The Minister shall cause to be published in the *Gazette* such particulars of any applications for licences received by him as he may consider necessary and shall specify a date, not less than fourteen days after the publication of the notice, by which any representations or objections from any person with a genuine interest in the application can be made to the Minister as prescribed under regulation 8.

Objections.

8. (1) Every representation or objection with regard to the application for a licence shall be in writing and must be signed by the objector, or, if the representation or objection is made by any corporate body, it shall be signed by any person who is authorised in that behalf by such body.

(2) Every representation or objection shall state the specific grounds on which it is based and shall specify any conditions which it may be desired to attach to the licence if granted.

(3) A copy of every such representation or objection shall be sent by the person making the same to the appli-

cant for a licence at the same time as it is sent to the Minister, and the Minister shall be under no obligation to entertain any representation or objection received after the date prescribed in the published notice of application.

9. The Minister may, for the purpose of determining an application for a licence or an amendment to an existing licence, cause an enquiry to be held by persons appointed by him, and shall cause an enquiry to be held in public if the applicant or any person who has duly made a representation or an objection requires the Minister to do so. The persons appointed to hear such enquiry shall be in no way associated with or interested in the applicant or any objector to an application and shall make such recommendations to the Minister as they think fit. The Minister, when deciding to grant, amend, revoke or renew a licence, shall take such recommendations into consideration. Not less than fourteen days notice of the time and place of any enquiry under this regulation shall be given to the applicant and any person who has duly made a representation or an objection, and such persons shall be entitled to be heard at the enquiry.

Enquiry may
be held.

10. Where an application is made to the Minister for a licence to remain in force for a period not exceeding thirty days and he is satisfied that it is in the public interest that the application should be determined with expedition, he may determine the application and grant a licence accordingly, and the provisions of this Part as to the publication of particulars of applications, the making of objections and representations, and the holding of enquiries at the instance of the applicant or an objector shall not in that case apply.

Short period
licences.

11. The Minister in exercising his discretion to grant, amend, renew or refuse a licence, as well as the persons appointed to hold an enquiry under these regulations, shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping, and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport as well as those of persons providing such facilities, and in particular to the following matters—

Matters
relevant to
enquiry.

(a) the existence of other air services in the area through which the proposed services are to be operated;

(b) the demand for air transport in that area;

(c) the degree of efficiency and regularity of the air services, if any already provided in that area, whether by the applicant or by other operators;

(d) the period for which such services have been operated by the applicant or by other operators;

(e) the extent to which it is probable that the applicant will be able to provide a satisfactory serv-

ice in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;

(*f*) the financial resources of the applicant;

(*g*) the type of aircraft proposed to be used;

(*h*) the remuneration and general conditions of employment of aircrew and other personnel employed by the applicant and there shall be taken into consideration any objections or representations duly made in accordance with the provisions of these regulations.

Period of
licences.

12. The Minister may grant licences to remain in force for such period as he may in each case determine, commencing on the date on which the licence is expressed to take effect:

Provided that if on the date of the expiration of a licence or application to the Minister is pending for the grant of a licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the application is granted or refused.

Provisional
licences
may be
granted.

13. The Minister may if he thinks fit, pending the determination of an application for a licence, grant to the applicant provisional licence which shall remain in force until the application is determined.

In certain
cases pro-
visional
licences
shall be
granted.

14. Where a person has, within one month of the date when the provisions of these regulations as to applications for licence come into operation, duly applied for a licence authorizing him to perform such journeys as may be necessary to enable him to continue to operate any air service and satisfied the Minister of Air he was immediately before that date operating that service, the Minister shall grant to the applicant a provisional licence authorising him to continue to operate that service, and the provisional licence shall remain in force—

(*a*) if the application is granted, until the date from which the licence is expressed to take effect; or

(*b*) if the application is refused, for a period of three months from the date of the decision of the Minister.

Publication
of decisions,
Second
Schedule.

15. The Minister shall cause to be published in the manner prescribed in the Second Schedule such particulars of the decisions on applications for licences and of his decision to revoke or suspend a licence as are prescribed in the Second Schedule.

Revocation
and
suspension.

16. (1) Subject to the provisions of paragraph (2) the Minister may revoke or suspend a licence if—

(*a*) the holder of the licence has, since the licence was granted, been convicted of an offence against regulation 4 or 21; or

(*b*) where the holder of the licence is a body corporate, any officer of that body corporate has, since the licence was granted, been convicted, in his capac-

ity as such officer, of an offence against regulation 4 or 21; or

(c) the holder of the licence has failed to comply with any condition subject to which the licence was granted; or

(d) it is demonstrated to the satisfaction of the Minister that an air service operated under these regulations is being so operated as to contravene any air navigation regulation for the time being in force.

(2) Before revoking or suspending any licence under subparagraph (c) or (d) of paragraph (1), the Minister shall give to the holder of the licence such notice as is prescribed in the Third Schedule specifying the grounds upon which it is proposed to revoke or suspend the licence, and shall not revoke or suspend the licence unless he is satisfied, after the holding of an inquiry if the holder of the licence (by such notice and in such form as is prescribed in the said Third Schedule) requires him to do so, that, owing to the frequency of the failure on the part of the holder to comply with conditions or to the failure having been wilful, the licence should be revoked or suspended.

Third
Schedule.

(3) The expression "officer" in this regulation means a director, general manager, secretary or other similar officer, and includes any person who, with the authority of the body corporate, acts as such officer.

17. A licence may at any time be surrendered by the holder to the Minister for cancellation. If during the currency of a licence, the holder applies to the Minister for a new licence in substitution for the current licence, he shall, if a new licence is granted, surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

Surrender
of licence.

18. (1) There shall be paid in respect of every licence a fee of ten pounds in respect of each year or part of a year of the term for which the licence is expressed to remain in force.

Fees.

(2) There shall be paid in respect of any provisional licence granted under regulation 13 or 14 a fee of two pounds.

(3) No refund of any fee paid in respect of the grant of a licence shall be made, whether on the surrender of the licence or otherwise, save where a licence is surrendered before its normal date of expiry upon the grant of a new licence authorising a service over the same route, in which case there shall be refunded the sum of ten pounds for each full year of the unexpired period of the licence but the holder shall in addition to the normal fee for the new licence pay an additional fee of two pounds.

19. (1) Every holder of a licence shall make a monthly return in writing to the Minister, giving, in respect of the month to which the return relates, the particulars set out in the annexure to the licence with regard to all air services authorized by the licence.

Monthly
returns by
licence holders.

(2) The return shall be sent to the Minister not later than two months after the expiration of the month to which the return relates.

PART III.—PERMITS FOR FLIGHTS OTHER THAN SCHEDULED JOURNEYS

Application
of Part.

20. This part shall not apply to the carriage of passengers, mail or cargo by air for hire or reward on scheduled journeys.

Restriction on
operation
without
permit.

21. (1) Subject to the provisions of these regulations, it shall not be lawful for any person to use any aircraft for the provision in Sierra Leone of any air service except under and in accordance with the conditions of a permit.

(2) Any person who uses any aircraft in contravention of the provisions of this regulation shall be liable on conviction in the case of a first offence to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment, and in the case of a second or subsequent offence to a fine not exceeding two thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) The provisions of this regulation shall not apply in respect of any journey performed on the authority of Article 5 of the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944, if the aircraft performing the journey flies across Sierra Leone without landing or lands in Sierra Leone for non-traffic purposes only, but shall apply in respect of any such journey if the aircraft performing the journey takes on or discharges passengers, cargo or mail in Sierra Leone.

Minister
may grant
permit.

22. (1) The Minister may grant to any person applying therefore a permit to use aircraft for the provision in Sierra Leone of such air services (other than such a service as is referred to in paragraph (1) of regulation 4) for such period and on such conditions as may be specified in the permit.

(2) The Minister may attach such conditions to any permit as he may think fit having regard to the nature and circumstances of the application therefor.

Applications,
Fourth
Schedule.
Relocation
and
suspension.

23. Applications for permits shall contain the information as set forth in the Fourth Schedule hereto.

24. (1) The Minister may revoke or suspend any permit if—

(a) the holder of the permit has, since the permit was granted, been convicted of an offence against regulation 4 or 21; or

(b) where the holder of the permit is a body corporate, any officer of that body corporate has, since the permit was granted, been convicted, in his capacity as such officer, of an offence against regulation 4 or 21; or

(c) the holder of the permit has failed to comply with any condition subject to which the permit was granted.

(2) The expression "officer" in this regulation means a director, general manager, secretary or other similar officer and includes any person who, with the authority of the body corporate acts as such officer.

PART IV.—GENERAL PROVISIONS.

25. It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law for the time being in force in Sierra Leone relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit in connection with all journeys made under the licence or permit.

Conditions of
all licences
and permits.

26. A licence or permit shall not be capable of being transferred or assigned: Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or permit, or of the appointment of a receiver or manager or trustee in relation to the business of the holder of a licence or permit the person for the time being carrying out that business shall, if within 14 days of his commencing so to do he makes application to the Minister for a new licence or permit be entitled to provide the air services authorised by the existing licence or permit subject to the conditions thereof until the application is determined.

Restriction
of transfer or
assignment.

27. Nothing in these regulations shall require the disclosure by the applicant for a licence or permit to any person other than the Minister or his Permanent Secretary of information as to the financial resources of the applicant, and any such information received by the Minister and his Permanent Secretary from any such applicant shall be treated as confidential.

Secrecy
regarding
financial
resources.

28. Nothing in these regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provisions of these regulations or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

No right to
continuance.

29. Any reference to a licence in paragraphs (2) and (3) of regulation 5, regulations 19, 25, 26 and 28 of these regulations shall be construed as including reference to a provisional licence.

Applicability
to provisional
licence.

30. Where an offence against these regulations has been committed by a body corporate, every person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his

Offences by
corporation.

consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

PART V.—EXEMPTIONS

Certain
special and
general
exemptions.

31. Subject to the provisions of paragraph 3 of regulation 21 nothing in these regulations shall apply to—

(a) either the British Overseas Airways Corporation or the British European Airways Corporation in respect of such journeys on such routes as the Governor may specify;

(b) any air transport operator, whose principal place of business is in a country other than—

(i) the United Kingdom or;

(ii) a territory for whose foreign relations

Her Majesty's Government in the United Kingdom is responsible;

in respect of journeys performed by such operator in accordance with the provisions of any agreement for the time being in force between Her Majesty's Government in the United Kingdom and the Government of that country, but the said Corporations and air transport operators shall on request by the Minister supply to the Minister in respect of scheduled journeys such particulars as may be necessary to enable the Minister to decide upon recommendations made to him under regulation 9.

Validity of
previous acts.
P.N. 64 of
1950.

32. Any licence, provisional license or permit granted and any requirement, agreement or recommendation made and any other thing done under the provisions of the Air Services (Licensing) Regulations having effect immediately prior to the coming into operation of these regulations shall continue to have effect and shall be deemed for all purposes to have been granted, made or done under the provisions of these regulations.

Reg. 6.

FIRST SCHEDULE

APPLICATIONS FOR LICENCES FOR SCHEDULED JOURNEYS

Applications for licences shall be made in writing to the Minister

2. Every application for a licence shall be signed by the person applying for the licence and if made by any corporate body shall be signed by a person duly authorised in that behalf by such body.

3. Every application for a licence shall be sent to the Minister so as to reach him on a date not less than eight weeks before the date on which it is desired that the licence shall take effect: Provided that the Minister may, in his discretion, accept and deal with any application for a licence received by him after the prescribed date.

4. Applications for licences shall contain the following initial particulars—

(a) Name and address of applicant.

(b) Places between which passengers or goods are to be carried.

(c) Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.

(d) Times and frequency of the service.

(e) Number and types of aircraft proposed to be used on the service.

(f) Whether the service is to carry passengers, goods or both.

(g) Maximum fares to be charged to passengers in respect of any journey or portion of a journey for which separate fares are charged.

(h) Date on which the service is to commence.

(i) Period for which the licence is desired.

(j) Particulars of any insurance policy held or proposed by the applicant to cover third party risks in respect of the proposed service.

(k) Particulars of other services operated by the applicant at the time of the application or immediately prior to that time.

(l) Particulars of working arrangements with other companies.

(m) Particulars of the applicant's business and an audited copy of the last published accounts.

5. On receipt of the application, the Minister shall be entitled to request the applicant to supply such further information as he may reasonably require.

SECOND SCHEDULE.

Reg. 15.

PUBLICATION OF DECISIONS.

Particulars of the decisions of the Minister—

(1) on applications for licences, and

(2) to revoke or suspend a licence,

shall be published by notice in the *Gazette* and such notices shall contain respectively the undermentioned particulars:

(a) *Application:*

(i) Name and address of applicant.

(ii) A reference to the *Gazette* in which notice of the application was published.

(iii) Such particulars as will enable the application to be identified.

(iv) An indication, whether the licence was granted as applied for granted with modifications (the modifications to be stated) or refused.

(b) *Revocation or Suspension:*

(i) Name and address of applicant.

(ii) Such information as will enable the licence to be identified including places between which passengers or goods are to be carried.

(iii) Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.

(iv) Date from which revocation or suspension takes effect and in the case of suspension, the period of suspension.

(v) The grounds on which the licence is revoked or suspended.

THIRD SCHEDULE.

Reg. 16.

REVOCATION OR SUSPENSION OF A LICENCE.

The notice to be given by the Minister to the holder of a licence specifying the grounds upon which it is proposed to revoke or suspend the licence shall be not less than twenty-eight days'

notice in writing and any request by the holder of the licence that an enquiry shall be held shall be sent to the Minister so as to reach him within seven days from the date of such notice.

Reg. 23.**FOURTH SCHEDULE.**

Application for a permit in accordance with Part III may be made by telegram or in writing, and shall contain the following information—

- (i) name of operator;
- (ii) type of aircraft and registration marks;
- (iii) date and time of arrival at and departure from the airport or airports concerned;
- (iv) place or places of embarkation or disembarkation, as the case may be of passengers and freight;
- (v) purpose of flight and number of passengers and/or nature and amount of freight;
- (vi) name, address and business of charterer, if any.

SOMALIA

A. Southern Region. This part of Somalia, formerly an Italian trusteeship, has no general civil aviation law. The Italian Maritime and Aviation Code of 1942 was not made applicable to Italian Somaliland, and the Maritime Code of Somalia of 1959 contains no provisions on civil aviation. There is, however, an ordinance regulating arrival and departure of aircraft at Somali airports which was enacted during the Italian regime and was amended twice. This ordinance, and the amendments thereto, are published in the following issues of the *Bollettino Ufficiale*:

1. Volume 1, No. 9, Mogadiscio, December 1, 1950, p. 261 (Decree No. 85);
2. Volume I, No. 9, Supplement No. 1, Mogadiscio, December 11, 1950, p. 280 (Decree No. 138);
3. Volume II, No. 8, Mogadiscio, August, 1951, p. 329 (Decree No. 73).

B. Northern Region. The basic aviation law of the Northern Region is largely British Colonial Acts. They are the following (as of April 1962):

1. Aerodromes (Control of Obstructions) Ordinance (O. 19/15);
2. Aerodromes Fees Rules;
3. Amending Rules (G.N. 42/50, 49/53, 8/55, 36, 60);
4. Colonial Civil Aviation (Application of Act) Order, 1952 (1952, O.I.C. p. 35);
5. Carriage by Air (Non-international Carriage) (Colonies, Protectorates, and Trust Territories) Order (1953) (1953, O.I.C. p. 1)
6. Colonial Air Navigation Order, 1955 (1957, O.I.C. p. 1);
7. Amending Orders (1957, O.I.C. p. 181-186; 187-193; 197-212; 1958, O.I.C. p. 3; 1959, O.I.C. p. 19)
8. Carriage by Air (Colonies, Protectorates, and Trust Territories) Order, 1953 (1953, O.I.C. p. 35)

The following Acts are applied:

1. Air Navigation Act, 1936;
2. Air Navigation Act 1947;
3. Carriage by Air Act, 1932.

FEDERATION OF SOUTH ARABIA

The Federation of South Arabia applies the civil aviation laws, including the colonial air acts and orders of the United Kingdom.

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SPAIN

LAW NO. 48/1960, JULY 21, 1960, CONCERNING AIR NAVIGATION¹

The Law of December twenty seventh of the year one thousand nine hundred forty seven authorized the Government to approve and publish a Code of Air Navigation, in accordance with the principles set forth there. The time that has elapsed since then has given rise to new needs that require immediate regulation and have made obsolete the criteria for certain provisions concerning some of the subjects dealt with in the above law.

It is now considered necessary to attend with dispatch to the preparation of legislation which may further the development and encouragement of air navigation, and to leave for a later stage the preparation of another comprehensive project to include penal regulations, even though this may mean only a partial implementation of the above fundamental basic law.

In the present Law, care has been taken to adhere as closely as circumstances permit to the principles of that basic law, but adopting a more general and flexible regulation in order not to obstruct future change or evolution of matters related to air navigation, or to infringe on other regulatory powers of the Government; also, it is necessary to introduce some essential changes in such matters as liability in case of accident; a need which became obvious because the provisions of our Civil Code were already inadequate, forcing the use of contracts to secure for national air traffic, the system of compensation which is applied to international air traffic.

Whereas on one hand urgency of the matter requires leaving to future regulation, some subjects included in the aforementioned basic law, the inclusion of certain changes which supersede or improve such basic law require, in the opinion of the Aeronautical Codification Commission which prepared this draft that the draft follow the formalities of a law.²

Therefore, and in conformity with the proposals prepared by the Spanish *Cortes*,

I order as follows:

¹ Published in *Bulletin Oficial del Estado*, July 23, 1960, p. 1041.

² These paragraphs are merely explanatory of why this legislation is in the form of a Law, instead of an Executive Decree. The Basic Law contained the general principles, which the Executive could implement by one or more Regulations as a form of delegated authority, but since the Basic Law was adopted in 1947, the innovations, etc., in air law since then were not covered in the original text, and therefore a Regulation or Decree could not cover these either. Although it was more speedy to issue a decree, yet in spite of the urgency it was believed that another Law was the only proper form for this type of legislation.

CHAPTER ONE. GENERAL PROVISIONS

Sovereignty of air space, air laws, and general rules for their application.

Article 1. The air space above the Spanish territory and its territorial waters shall be subject to the sovereignty of the Spanish State.

Article 2. National aircraft may use the Spanish air space for air navigation.

The Spanish State, by treaty or agreement with other States, or by special permit, may authorize innocent passage of foreign aircraft over its territory.

Article 3. The Government may determine areas over the Spanish territory in which flight of aircraft shall be prohibited or restricted and may designate entry and exit routes and customs airports.

It may also in whole or in part suspend air activities over its territory, whenever warranted by serious reasons.

Article 4. The owners of subjacent property shall permit air navigation but shall have the right to be compensated for any damages which such a navigation may cause them.

Article 5. Without prejudice to the provisions of international treaties or agreements, this Law shall in all cases regulate national and international air navigation over territories under Spanish sovereignty.

In the absence of specific regulations the existing laws or regulations of a general character shall prevail.

This law shall be applicable to military air navigation when it expressly provides to that effect (final provisions, section 5).

Article 6. Aircraft of the Spanish State shall be considered as Spanish territory, whatever the place or area where it may be.

The other Spanish aircraft shall be subject to Spanish laws when flying over free territories, or when they are on foreign soil or overfly such foreign soil, if this is not in conflict with the police or safety laws of the subjacent country.

Article 7. Foreign aircraft, as long as they are on territory under Spanish sovereignty, or flying along air routes assigned to them, shall be subject to the provisions of this Law, and of the penal, police, and public safety laws in force in Spain.

CHAPTER II. ADMINISTRATIVE ORGANIZATION

Article 8. The Ministry of Air shall be in charge of all matters concerning air navigation (final provisions, section 5).

Article 9. The national territory shall be divided into air regions as established by the Ministry of Air and they may be changed in accordance with the requirements of air navigation.

Governmental, administrative, safety and police supervision of air navigation within the different regions shall be determined by regulations.

Article 10. Within each zone there shall be established the number of airports that may be considered necessary. The chiefs of such airports shall have authority over the whole area of the respective airport, its approaches, and the designated airspace.

CHAPTER III. AIRCRAFT. DEFINITION, CLASSIFICATION AND NATIONALITY THEREOF

Article 11. Aircraft shall be deemed to include all machines capable of being used for transporting persons or things and capable of moving in the air by virtue of reaction of the air, whether or not such machine is lighter than air, or whether or not it is propelled by engines (final provisions, section 5).

Article 12. The acquisition, modification or extinction of rights in an aircraft shall be proved by a public or private document.

Article 13. Aircraft shall be classified as aircraft of the State and private aircraft.

Article 14. Aircraft of the State shall include the following:

1. Military aircraft, considering as such aircraft serving the national defense or which are commanded by a military officer commissioned for that purpose. These aircraft shall be subject to special regulations.

2. Non-military aircraft serving exclusively non-commercial Governmental purposes.

Article 15. Private aircraft shall be deemed all other aircraft not included in the preceding Article.

Different categories of this class of aircraft shall be established according to their use or purpose.

Article 16. Registration of an aircraft in the Register shall determine its nationality.

No Spanish aircraft may be validly registered in a foreign state without first obtaining authorization from the Ministry of Air. Such authorization shall also be required for transfer of any aircraft to foreign nationals.

Article 17. Foreign aircraft shall have the nationality of the State in which they are registered (final provisions, section 5).

Article 18. Only the following aircraft may be included in the Spanish aircraft Register:

1. Aircraft belonging to individuals or to legal persons who are Spanish nationals.

2. At the lessee's request, any aircraft leased to persons of that nationality.

Article 19. Aircraft registered in Spain shall cease to be Spanish when it is lawfully sold to a person who is not a Spanish national, or when it is validly registered in a foreign country.

CHAPTER IV. BOARD PAPERS.

Article 20. Aircraft shall carry the following documents on board:

1. A registration certificate, in which the title of ownership must appear.

2. A certificate of airworthiness.

3. A license of qualification for each member of the crew.

4. Any other document that may be required by regulation.

Article 21. Aircraft shall also carry on board a license and certification for its radio-communications equipment, a radio log in which all communications made and important events which took place during such communications, must be noted.

Article 22. The aircraft log, and the engine and propeller log, respectively, shall be kept up-to-date in a safe place and shall be at the disposal of the authorities that may request them.

Article 23. On the outside and in a visible place, aircraft shall have nationality and registration markings and also in a visible place, either inside or outside, an identification plate indicating the type, serial number and license number and the owner's name.

Article 24. Aircraft logs shall be retained by its owner for a period of two years computed from the date of the last entry.

Article 25. The authorities of any airport or airdrome where aircraft are located may examine their documents.

Article 26. If, during flight, events take place which are not recorded on the board papers, the aircraft captain shall give to the chief of the airport a detailed account of such events in his landing report.

Article 27. The form of the documents mentioned in the preceding Articles shall be established by regulations.

CHAPTER V. AIRCRAFT REGISTER

Article 28. There shall be established an aircraft register of an administrative nature under the jurisdiction of the Ministry of Air.

Article 29. Aircraft shall be registered in the above-mentioned special register. All the acts, contracts and general changes affecting aircraft shall also be recorded therein.

Article 30. All transactions to be recorded in the register shall appear in a public or private document, as the case may be, and the certificate of title of ownership shall be presented in order to relate such certificate to the entry.

Article 31. Certification in the Register shall replace the title of ownership in cases of loss or destruction of such title until a duplicate title is obtained.

Article 32. The Aircraft Register shall be kept by personnel of the Air Juridical Corps [Office of Legal Counsel or Advisers], assisted by the necessary specialized personnel.

Regulations shall establish rules for records and documents which may be registered, the requirements, form and effect of such registration, and the manner of keeping the Register.

Article 33. When there is a section devoted to the registration of aircraft and of legal records concerning such aircraft in the Commercial Registers, registration will be on a voluntary basis, except in those cases in which the law expressly provides otherwise. When such registration takes place, the laws and regulations covering the matter shall be applicable.

CHAPTER VI. PROTOTYPE AND AIRWORTHINESS CERTIFICATES

Article 34. (Final provisions, section 5). Studies and designs for the construction of prototypes or models of aircraft and their engines and accessories thereof shall be freely permitted.

The term "prototype" shall be deemed to include the first units built to test the effectiveness of a technical concept. Other units of the same type shall be considered a "series".

No aircraft prototype shall qualify or obtain authorization for its test flight, unless it has undergone prior technical inspection by the Ministry of Air.

After the prototype has been approved, the rights therein shall be governed by the laws on industrial property.

Article 35. (Final provisions, section 5). Construction of series aircraft and engines and of their accessories, shall require a warranty by a certified technician and, in all cases, a permit and inspection by the Ministry of Air; the Ministry may enjoin such construction when it does not comply with the conditions under which the authorization was granted.

Article 36. (Final provisions, section 5). No aircraft shall be authorized to fly without an airworthiness certificate. By airworthiness certificate shall be meant the document that serves to identify the aircraft from the technical point of view, that defines its characteristics and expresses its qualifications for flight as obtained from the aircraft inspection on the ground and from its test flights.

The Ministry of Air shall have exclusive jurisdiction to issue airworthiness certificates and to determine and approve the tests to be carried out for the certification of the aircraft itself or of its parts. The Ministry shall also issue airworthiness certificates for all military aircraft.

Article 37. (Final provisions, section 5). Foreign airworthiness certificates may be validated in Spain when they comply with internationally accepted minimum requirements.

Article 38. (Final provisions, section 5). Regulations shall establish the requirements and tests to be carried out for obtaining such certificate, or the renewal, or the period of validity thereof.

CHAPTER VII. AIRPORTS AND AIRDROMES

Article 39. Areas designated for the landing and take off of aircraft shall be classified as airdromes and airports. The former may either be permanent or temporary.

Airdromes shall be deemed to be areas of fixed extent including as the case may be, buildings and installations normally used for the take-off and landing of aircraft. Airdromes shall be considered temporary when they are designated for a specific use under special circumstances.

According to the nature of their use, airdromes may be military or civilian, and the latter, as in the case for airports, may be either public or private.

An airport shall be deemed any airdrome in which exist permanent public installations and services which serve the air traffic in a regular way, and which permit the grounding and repair of aircraft and landing and dispatch of passengers or cargo.

Article 40. Airports and airdromes shall be classified by regulations according to their size and the nature of their installations, the aircraft that use them, and the nature of the services they render.

Special regulations shall determine the airports which are open to international traffic, which must have permanently the required services to land aircraft arriving from, or leaving for abroad.

Article 41. Airdromes exclusively used permanently or temporarily for military services shall be called military airdromes and shall be

subject to special regulations. Military airdromes may be declared open to civilian traffic.

Article 42. The Ministry of Air shall be in charge of construction, classification, inspection and operation of military airdromes and of public airports and airdromes, and shall determine the requirements for granting licenses to operate thereon.

Article 43. Local authorities may build or contribute to the building of public airports, subject to the conditions established by the Ministry of Air. They may have property in such airports and share in the profits from their operation in the manner determined in the regulations issued.

Article 44. Only corporations, associations or individuals who are Spanish nationals shall be authorized to establish private airports or airdromes in compliance with the requirements established by the Ministry of Air. All of them shall be subject to the specifications established, and in case of mobilization they shall be under the jurisdiction of the military command of the area in which they are located.

Article 45. (Final provisions, section 5). Airdromes and airports that use water areas under the jurisdiction of other Ministries, shall be established with the agreement of all agencies concerned. Areas which are not indispensable for naval services shall be assigned exclusively to air navigation. Traffic and embarkation services shall be governed by the regulations of the Ministry of Air, provided they are not in conflict with the provisions of existing maritime legislation.

Article 46. (Final provisions, section 5). The properties and rights necessary for the establishment and installation of services at airports and airdromes, and for aids to air navigation, shall be liable to expropriation in accordance with the provisions of existing legislation.

Article 47. The Ministry of Air shall have jurisdiction to establish rates for landing, take-off and parking of aircraft, and for aids to navigation, exclusively aeronautical communications and other services of public airports and airdromes.

Technical and administrative direction of public airports and airdromes shall be exercised by the General Direction of Civil Aviation which, in turn, shall establish the corresponding offices at the airports with an adequate organization for the services to be rendered. Any services which are under the jurisdiction of other Ministries and which are installed at airports shall be coordinated with the offices of the airports.

CHAPTER VIII. SEIZURE AND ATTACHMENT

Article 48. The State shall have power to seize or attach aircraft found within its national territory in accordance with a decision of the Council of Ministers, provided there are serious reasons of public interest and provided there is payment of a compensation.

Such decision shall be executed by the Ministry of Air.

Article 49. Under the same circumstances and in the same manner as established in the preceding article, the State may attach aviation services of foreign corporations established in Spain and those belonging to Spaniards whether located within or outside of Spain.

Article 50. For reasons of national defense, public order or health the Government may limit the activities of corporations and enjoin the stay and flight of aircraft.

Restrictive measures may also be adopted concerning personnel and the presence on board of certain technicians or specialists during flight.

CHAPTER IX. AERONAUTICAL CONSTRUCTION LIMITATIONS

Article 51. The land, buildings and installations surrounding airports, airdromes, and navigation aids shall be subject to construction limitations which are or may be established by special regulations concerning the maneuvering area and the approach air space.

The nature and extent of such limitations shall be determined by means of Decrees passed by the Council of Ministers, in accordance with the provisions of existing regulations in force at the time concerning such limitations.

In cases of emergency, construction limitations may be established by the Ministry of Air, but they shall be considered cancelled if within a period of one year they are not confirmed by the Council of Ministers.

Article 52. (Final provisions, section 5). The Ministry of Air shall have jurisdiction and use its own facilities to enforce compliance with such regulations and construction limitations, and if the facilities available to the Ministry are insufficient it may request the cooperation and aid of other Ministerial departments and authorities including, if necessary, the immediate demolition or destruction of any building, installation or planting which violates such limitation.

Article 53. (Final provisions, section 5) Owners or occupants of any property or building may not oppose entrance onto their property or passage over it for operations of salvage or aid to damaged aircraft.

Article 54. (Final provisions, section 5). Damages that may be caused to property affected by the limitations to which Articles 51 and 53 refer, shall be indemnified, as appropriate, by application of the provisions on eminent domain.

CHAPTER X. AVIATION PERSONNEL

Article 55. (Final provisions, section 5). Personnel related to air navigation may be flight or ground personnel.

Article 56. (Final provisions, section 5). Flight personnel shall be deemed the personnel operating, piloting or providing services on an aircraft and which constitute its crew.

The issuance of flight licenses shall be under the exclusive jurisdiction of the Ministry of Air under such conditions as it may determine by administrative regulation.

Article 57. (Final provisions, section 5). The ground personnel shall include supervisors, technicians, and assistants at airports, airdromes, and installations that directly support air navigation.

Article 58. (Final provisions, section 5). Any technical operation in the air may be carried out only by persons possessing a license authorizing such operation and upon compliance with the conditions stated in regulations issued by the Ministry of Air.

Article 59. The aircraft commander shall be the person named by the employer to exercise command.

He must be a Spanish national, in full enjoyment of his civil rights and in possession of a pilot's license and a license of qualification for the type of aircraft used.

In commercial aircraft, the minimum age for the above position shall be twenty five years.

Article 60. The commander shall have full authority in the exercise of his command and he shall be responsible for the aircraft, its crew, passengers and luggage, cargo and mail, from the time he takes command of the aircraft to undertake the flight, even though he does not actually pilot the aircraft.

Such responsibility shall cease when, after terminating the flight, he delivers the aircraft, passengers, mail and cargo to any competent authority or to the representative of the carrier.

Article 61. (Final provisions, section 5). The functions of flight engineer and the meteorological functions in Government agencies or services, or in any enterprise specially authorized for air transportation shall be carried out by persons who possess a license as aeronautical engineers or meteorologists.

Functions of a legal nature within Government agencies or services concerning air navigation shall be carried out by the personnel of the Air Juridical Corps, and preference shall be given to individuals who possess a degree in Special Studies in International, Aerial, and Industrial Law.

Article 62. Chiefs of airports shall be appointed by the Ministry of Air, which will establish the conditions to be complied with. They shall have full powers of authority when in the exercise of their functions.

Within his jurisdiction the chief of an airport shall be in charge of coordination and inspection of all airport services and of the personnel attached to such services in accordance with the provisions of this Law and regulations issued thereunder, but without thereby affecting the technical and administrative organization and authority of the services belonging to other Ministries.

Article 63. Labor contracts of the personnel shall be governed by special regulations, collective union contracts or, in the absence of these, by the provisions of the Spanish labor laws.

In case of work accidents, the provisions of the laws applicable to that subject matter shall apply.

Article 64. Any person under eighteen years of age may not be employed as flight personnel.

Any person who is older than eighteen years but less than twenty-one, in order to be employed, must prove permission by his father, mother, or guardian. Such permission shall be executed before a competent authority.

No person who has reached an age limit to be determined by regulation may be authorized to hold the position of pilot of an aircraft used for public service and transportation of passengers.

Article 65. Licenses for aeronautical technicians issued in foreign countries shall be validated or recognized in Spain, in accordance with the provisions of international treaties or agreements. Otherwise, such recognition may be granted whenever such licenses are issued by competent authorities, and when they comply with the minimum conditions and requirements established in Spain and only when there is reciprocity.

The use of foreign technicians as instructors or consultants for Spanish personnel may also be conditionally authorized when war-

ranted for the improvement or modernization of services and only for the necessary time.

Article 66. The Ministry of Air may assume jurisdiction over, and settle labor conflicts that affect flight discipline, safety of air traffic, or the interests of national defense.

Special regulations shall govern the procedures to be followed in these cases.

CHAPTER XI. AIR TRANSPORTATION

Article 67. Scheduled air transportation shall be deemed commercial transportation if passengers, mail or cargo, for which rates, time schedules, and routes have been issued.

Non-scheduled or irregular air transportation shall be deemed other transportation of a commercial nature not included in the preceding paragraph.

Article 68. Domestic air transportation shall be deemed any transportation made over territories under the sovereignty of the national state of the aircraft, and foreign air transportation shall be deemed any transportation made in whole or in part over territory under the sovereignty of another State. Such transportation shall be called international transportation when it stops at points on foreign territory.

Cabotage traffic shall include all transportation of passengers, cargo or mail between points under Spanish sovereignty, even though it may be necessary to fly over the territory or waters under the jurisdiction of a foreign State.

Article 69. The Ministry of Air shall be in charge of granting or authorizing the establishment or initiation of air services and of exercising the inspection necessary to assure compliance with the conditions under which the grant or authority was given.

Article 70. Scheduled air transportation services may be undertaken by organizations or individuals after obtaining the required authorization, which shall not be issued for a period longer than fifteen years. Such period may be extended.

Article 71. Cabotage services shall be reserved to national companies.

Article 72. Scheduled carriers may only fly over routes established in the grants. In order to carry out non-scheduled flight, express authorization of the Director General of Civil Aviation shall be necessary.

Article 73. The grants of scheduled carriers for specific routes or for networks of routes shall be granted to carriers of Spanish nationality and through public bidding, unless reasons of national interest or of better operation of the transportation make it inadvisable in the discretion of the Council of Ministers.

Article 74. Grantees must be of Spanish nationality, have adequate financial and technical means, and insured by a sufficient guarantee the risks arising out of such services during the validity of the grant.

When the grantee of a scheduled air service is a legal person, at least three-fourths of its capital and of its directors must be of Spanish nationality.

Article 75. If the capital of a corporate grantee is represented by stock, the shares shall be nominative.

Article 76. The Ministry of Air shall supervise the grantee carriers in the form and under the conditions established in the grant itself, in order to carry out the inspection mentioned in Article 69 hereof.

Article 77. The operation of scheduled air services may be subsidized by the State which shall determine the conditions of such subsidy.

Article 78. These grants shall be issued by the Ministry of Air, and they shall be approved by the Council of Ministers.

Article 79. Non-scheduled air transportation may be undertaken by individuals or organizations after having been duly authorized by the Ministry of Air and subject to its inspection, whether or not they are the grantees of other transportation services.

Authorizations shall be granted for a period of not less than one year and not more than ten years. Such authorizations may be extended.

Article 80. In order that the Ministry of Air may issue the authorization mentioned in the preceding article, it shall be necessary for the applicant to comply with the following conditions:

1. The applicant must be a Spaniard, and if the applicant is an organization, its capital must be either entirely national or foreign capital therein must not exceed 25 per cent of the national capital. Corporations shall issue all their stock in nominative shares.

2. He must certify as to the availability of the equipment which is required in each case to render the service.

3. He must deposit a bond in an amount to be determined in each case by the General Director of Civil Aviation.

4. The directors and the flight personnel of the carrier must be Spanish nationality and possess the qualifications required by this Law.

Article 81. The authorization mentioned in the two preceding articles shall permit operation of domestic air transportation, with points of arrival and departure on Spanish territory, after having obtained the necessary technical permits. For foreign air transportation it shall be necessary in all cases to obtain a special authorization issued by the General Director of Civil Aviation

Between cities connected by scheduled air carriers unscheduled services shall be authorized only to a carrier or carriers who are grantees of scheduled routes. This service may, nevertheless, be authorized to a different carrier when the demand for transportation of passengers or cargo so warrants in the judgment of the aviation authorities, and when it is not sufficiently covered by the carrier providing scheduled services. Other than in this exceptional case, non-scheduled transportation may be provided along scheduled routes only between those points which are not already serviced by such scheduled carriers.

Article 82. The Ministry of Air shall establish annually maximum rates for non-scheduled domestic transportation and such rates may not be less than those authorized for scheduled services.

Article 83. Foreign aircraft may not carry out cabotage transportation.

Article 84. The Ministry of Air may grant permission for special flights or commercial test flights for periods not to exceed three months.

Article 85. The Spanish State shall have priority in acquiring, at the termination of the grant, the properties and rights used by the grantee in his public air transportation service.

Article 86. International air transportation, whether Spanish or foreign, may be scheduled, non-scheduled or tourist charter.

Article 87. All aircraft carrying out international transportation must enter and leave Spanish territory through an airport having customs offices.

However, after obtaining the required authorization from the General Director of Civil Aviation, tourist charter aircraft may use all the airports open to such class of traffic, as long as they do not change passengers or cargo.

Article 88. Spanish air services in scheduled international transportation shall be established by agreements with the respective States. Permits or grants to foreign carriers to carry out such transportation ordinarily shall be issued under the principle of reciprocity and without causing and prejudice to national services.

Foreign aircraft carrying out non-scheduled transportation shall require an authorization for each trip or service.

Article 89. Aircraft belonging to a foreign State may not fly over territory under national sovereignty without first obtaining an authorization or invitation, except for aircraft engaged in search and rescue operations in accordance with special agreements.

Compliance with the same conditions shall be required from aircraft without pilot or without engine, when it executes any flight for test purposes or in application of new inventions which have not yet been internationally accepted.

Article 90. No foreign aircraft shall be authorized to fly over Spanish territory without prior deposit of a sufficient guarantee in regard to liability that may be incurred by overflight or by transportation contracts, in accordance with the provisions of the Spanish laws.

Article 91. When special circumstances warrant it the Government may modify the percentages of foreign participation in air transportation enterprises to which this chapter refers.

CHAPTER XII. CARRIAGE CONTRACTS

SECTION 1. TRANSPORTATION OF PASSENGERS

Article 92. In a passenger carriage contract, the carrier, without exception, shall issue a transportation ticket, containing the following information:

1. Place and date of issuance.
2. Name and address of carrier.
3. Points of departure and destination.
4. Passenger's name.
5. Class and price of transportation.
6. Summarized indication of the route to be followed, and intended stop.

Article 93. The transportation ticket shall be a personal and non-transferable document and may only be used for the trip for which it was issued and for the seat assigned on the airplane.

Article 94. When the trip is cancelled or delayed for causes of *force majeure* or meteorological conditions affecting the safety of the flight, the carrier's liability shall be waived provided the price of the ticket is refunded.

After the flight has begun and is cancelled for any of the above reasons, the carrier shall complete the transportation of the passengers and their luggage on its own account, using the fastest possible

means for arrival at the point of destination, unless the passengers choose to accept the return of a portion of the price of the ticket which corresponds to the unused portion.

The carrier shall also pay for expenses of boarding and meals which may result from such interruption.

Article 95. A passenger may cancel his reservation and obtain reimbursement of a portion of the fare, provided such cancellation is made within the period established by regulation.

Article 96. The carrier shall be authorized to refuse transportation to any passenger who, for reasons of sickness or other circumstances specified in the regulations, may constitute a danger or disturbance to the conduct of the aircraft.

Article 97. The carrier shall transport the passengers' luggage at the same time as the passengers and without any extra charges within the limitations of weight and volume determined by the regulations. Excess weight or volume shall be subject to special rates.

Objects or other items carried by the passenger in his hands shall not be considered baggage for these purposes.

Article 98. The carrier shall only be liable for loss, theft or damage of the baggage that has been entrusted to the carrier's custody.

Article 99. When the baggage accepted for carriage is not mentioned in the ticket, it shall be noted on an attached slip which shall include the information required by the regulations.

Delivery of baggage shall be made against presentation of the ticket or slip, whoever may be the person requesting delivery of such baggage. In the absence of such ticket or slip the carrier shall have the right to ascertain the claimant's identity, and he may delay delivery of the baggage until such time as the claimant presents the required evidence.

Article 100. Acceptance of baggage without protest by the holder of the ticket or slip shall imply his waiving all rights to any future claims. The regulations shall establish the period and the form in which the carrier may sell at public auction any baggage which has been abandoned by passengers.

Article 101. Transportation rates for passengers and their baggage shall be approved by the Ministry of Air.

SECTION 2. TRANSPORTATION OF GOODS

Article 102. The contract for transportation of goods shall be considered in effect with the delivery of such goods to the carrier. On the basis of the information given by the shipper, the carrier shall issue the transportation waybill which shall contain the information required by the regulations.

Article 103. The waybill shall constitute proof of the existence of the contract, and in accordance with the terms contained therein and upon its presentation by any person, the carrier shall deliver the goods after complying with such customs, sanitary and other administrative requirements as may be established.

In case of loss, misplacement or theft of the waybill, the carrier shall furnish an exact copy of such waybill to the consignor or to the consignee, after having duly ascertained their legal capacity. The carrier may also deliver the cargo to the consignee if such consignee offers sufficient guarantees for such purpose.

Article 104. Transportation rates for merchandise shall be approved in advance by the Ministry of Air.

Article 105. If, for reasons of *force majeure* the goods cannot be shipped by the itinerary established on the waybill, the carrier shall deliver the pieces to another carrier for fastest delivery, in accordance with instructions received or requested from the shipper or consignee.

Article 106. The carrier shall not be liable for services not being rendered on the date and at the hour agreed upon, when such suspension or delay are caused by reasons of *force majeure* or by meteorological conditions affecting flight safety. The carrier shall not be obliged to pay any compensation for commercial cargo that has been diminished for any of these reasons.

Article 107. The carrier shall deliver the goods transported immediately after their arrival at the point of destination, after complying, if necessary, with the requirements established in the regulations. The goods shall be considered lost if they are not delivered within the period fixed in the regulations.

Article 108. The carrier shall have custody of the goods delivered to it for transportation, and shall be liable for loss, damage or delay in delivery due to the flight, provided they are not caused by the nature of, or inherent defects in, the goods themselves.

The carrier shall also be liable for losses suffered in case of jettisoning, necessary to assure the safety of the aircraft.

Article 109. When delivery of the goods transported is impossible because the consignee cannot be located, or because the consignee refuses to receive the goods without protesting on account of damages to the goods, or because the consignee does not want to pay transportation costs or other costs, as the case may be, the carrier shall notify the shipper accordingly. In such case the carrier will assume the rôle of a paid bailee during a period of one month, after which, if the shipper has not disposed of such goods, the carrier may sell them at public auction in accordance with the formalities established in the regulations, and may reimburse itself for expenses and leave the balance at the disposal of the persons entitled thereto.

If the goods transported are of a perishable nature, the period mentioned above may be shortened in order to increase the sales value of the goods transported.

The bailment of goods mentioned in the preceding paragraphs may be made by the carrier on its own responsibility outside its domicile.

Article 110. Combined transportation by several air carriers shall make them jointly liable, and the shipper or consignee may select among them the one to whom he chooses to present the claim.

Article 111. Receipt of transported goods without any protest on the part of the consignee shall create a presumption that the merchandise has been delivered in good condition, in accordance with the provisions of the transportation contract. If a protest is made by the consignee, it shall be so stated on the waybill or the document substituting the waybill, and such claim shall be formally made to the carrier within a period of eight days. If the claim is not submitted within such period, the carrier's liability shall be considered waived.

Article 112. The shipper shall have the right to dispose of the goods which are the subject of the transportation contract, and after having signed the contract and in agreement with the carrier, he may remove

them from the airport of departure or destination, or change the destination or the name of the consignee, or request their return to the airport of origin. Expenses resulting from the exercise of these rights shall be to the shipper's account.

Article 113. The carrier may exclude from the transportation contract any goods which, because of their bad condition, packing preparation, or other dangerous circumstances listed mentioned in the regulations, may constitute a clear danger to air navigation.

Article 114. The provisions of this chapter shall not affect the provisions of liability in case of accident.

CHAPTER XII. LIABILITY IN CASE OF ACCIDENT

Article 115. For purposes of this chapter, the term "damage" in regard to carriage of passengers shall be deemed to mean the damage suffered by passengers on board an aircraft and by operation of the aircraft, or as a result of the embarkation or debarkation operations.

Damage resulting from the use of other means of transportation of passengers of an aircraft outside the airport shall be excluded from the provisions of this chapter, even though such means of transportation are furnished by the same carrier.

The term "damage" in regard to transportation of goods and baggage shall mean any damage suffered by such property from the time of its delivery to the carrier until the time when the carrier places it at the disposal of the consignee, excepting, however, any period when it is under the jurisdiction of the customs services. The provisions of this paragraph shall not affect the liability of the carrier as bailee in accordance with the provisions of Article 109 of this Law.

Article 116. The carrier shall be liable for damages caused during transportation:

1. For death, injuries or any other bodily damage suffered by a passenger.
2. For destruction, loss, damage or delay of the goods or the baggage, whether under bill of lading or hand-carried.

Article 117. Compensation payable to the passenger shall be the following:

1. For death or total permanent disability: two hundred thousand (200,000) *pesetas*.
2. For permanent partial disability, up to a limit of one hundred thousand (100,000) *pesetas*.
3. For temporary partial disability, up to a limit of fifty thousand (50,000) *pesetas*.

Article 118. Compensation for invoiced or hand-carried goods or baggage shall be the following:

1. For loss or damage to goods up to a limit of five hundred (500) *pesetas* per kilogram of gross weight.
2. For loss or damage of luggage, checked or hand-carried, up to a limit of ten thousand (10,000) *pesetas* per piece.
3. For delay in the delivery of invoiced goods or registered baggage, up to an amount equivalent to the cost of transportation.

If the registered or hand-carried goods or baggage are transported with a declared value accepted by the carrier, the limit of liability shall be the declared value.

Article 119. Compensation shall be due for damages caused to persons or property on the ground by the operation of the aircraft while such aircraft is in flight or on the ground or which is caused by objects thrown or which may fall therefrom.

Compensation due as a result of the operation of the aircraft or of an accident, shall be subject to the following limitations:

1. For aircraft up to 1,000 kilos gross weight, six hundred thousand (600,000) *pesetas*.

2. For aircraft weighing more than one thousand but less than six thousand kilos, 600,000 *pesetas*, plus 480 *pesetas* per kilo exceeding one thousand.

3. For aircraft exceeding six thousand but less than twenty thousand kilos, 3,000,000 *pesetas*, plus 314 *pesetas* per kilo exceeding six thousand.

4. For aircraft exceeding twenty thousand but not exceeding fifty thousand kilos, 7,400,000 *pesetas*, plus 186 *pesetas* per kilo exceeding twenty thousand.

5. For aircraft exceeding fifty thousand kilograms, 13,000,000 *pesetas*, plus 120 *pesetas* per kilogram exceeding fifty thousand.

For purposes of this article the weight of an aircraft shall be deemed the maximum take-off weight authorized in the airworthiness certificate issued for the particular aircraft.

Compensation payable for death of or injuries to individuals shall be subject to the provisions of Article 117, increased by twenty per cent. When there are several individuals affected and when the total amount to be paid exceeds the specified limitations, the amounts to be received by each shall be reduced proportionately.

When the party liable therefor is unable to meet all payments of compensation due for damages to persons shall have priority over any other claim resulting from the accident.

Article 120. The basis for compensation shall be objectively determined in all cases from the accident or damage, within the limitations provided for in this chapter, and even in instances of unavoidable accident or when the carrier, operator or their employees prove that they acted with due care.

Article 121. Notwithstanding the provisions of the preceeding article, the carrier or operator shall be liable for their own actions and those of their employees, and may not involve the limitations of liability specified in this chapter when it can be proved that the damage was the result of an action or omission of the carrier or operator or of their employees which involves intent or negligence. In the case of employees it must also be proved that they acted in compliance with, or fulfillment of their duties.

Article 122. Any person who uses an aircraft without the consent of the carrier or owner shall be liable for all damages while the carrier or owner shall be subsidiarily liable within the limitations established in this chapter, unless it is shown that he was unable to prevent such unlawful act.

Article 123. In case of a collision between aircraft, the owners thereof shall be jointly liable for the damages caused to third parties.

If the collision occurs due to that fault of the crew of one of the aircraft, the owners of such an aircraft shall be liable for damages and losses, and if the fault is joint or cannot be determined, or due to un-

avoidable circumstances, each of the owners shall be liable in proportion to the weight of the respective aircraft.

Article 124. The right to bring action for payment of a compensation specified in this chapter shall expire six months from the date on which the damage occurred.

Claims for damage or delay of cargo or registered baggage shall be made in writing to the carrier or responsible party within a period of ten days from the date of delivery, or from the date when delivery should have been made, in accordance with the provisions of this Law on transportation contracts. Absence of such claim shall prevent bringing an action therefor.

Article 125. In the absence of an international treaty to which Spain is a party, liability in matters of international air transportation shall be governed by the provisions of this Law as applied in accordance with the principle of reciprocity.

CHAPTER XIV. AIR INSURANCE

Article 126. Air insurance shall provide guarantees in regard to risks inherent in navigation which affect aircraft, merchandise, passengers and freight, and in regard to liability for damages to third parties, caused by an aircraft while on the ground, over water or in flight.

Article 127. Insurance shall be compulsory in regard to passengers, damages caused to third parties, to aircraft engaged in the service of air lines and those which are mortgaged.

Article 128. Navigation in the national air space shall not be authorized for any foreign aircraft which does not show proof of insurance in regard to any damages it may cause to persons or property transported or to third parties on the ground.

Such insurance may be replaced by a guarantee in form of a deposit of money or securities, or of a bond recognized by the State.

Article 129. Any compensation paid as insurance of an aircraft in case of accident or loss of the aircraft shall be deposited in the court to be paid to the persons entitled thereto, in case there should appear third parties with possible legal claims to such payment, or who have instituted actions as preferred creditors with regard to those claims with preference in such compensation.

In order to facilitate to the mortgagee the exercise of his rights, the judge who receives the compensation on deposit shall notify the mortgagee of the accident, if he is identified from the Aircraft Register, and in any case notices shall be published in the *Boletín Oficial del Estado* on three different dates during the three months following the date when the accident occurred.

CHAPTER XV. LIENS AND PREFERRED DEBTS

Article 130. Aircraft, as a special kind of personal property, shall be susceptible of being mortgaged. They shall also be subject to lease, usufruct or other rights recognized by the Law.

Such encumbrances, to be valid, must be entered in the Aircraft Register and in the Commercial Register when so required by the law which governs the act in question.

Article 131. Only aircraft registered in Spain may be mortgaged.

Article 132. The attachment of an aircraft belonging to an air carrier shall not cause the interruption of the public service in which it is engaged. The authorities which order such attachment shall inform the Ministry of Air thereof.

Article 133. Preferred debts against the aircraft or against the compensation that may accrue from an insurance, shall be as follows in the order named:

1. Debts for taxes, fees and internal revenue taxes of the State for the past year and for the expired portion of the current one.

2. Salaries due the crew for the last month.

3. Debts to insurers for the last two years on premiums due them.

4. Compensations specified in this Law to cover the damages caused to persons or property, without thereby affecting the provisions of the last paragraph of Article 119 of this Law.

5. Expenses incurred in rescue or salvage operations in case of accident of, or danger to the aircraft itself.

The provisions of the general laws shall be applicable in regard to preference of other debts.

CHAPTER XVI. ACCIDENTS, RESCUE, AND SALVAGE AND RECOVERY

Article 134. (Final provisions, section 5). Rescue and salvage of aircraft when involved in an accident or in danger shall be of public interest. They shall be carried out under the direction of the aeronautical authorities, which will be in charge of the investigation and determination of liability in cases of accidents.

Article 135. Compensation for work in connection with the rescue of persons may not exceed, for each person rescued, one fourth part of the amounts established in this Law for cases of death.

Article 136. In case of rescue or salvage of an aircraft or its cargo, the compensation may not exceed the value of the aircraft or the amount of the insurance.

Article 137. If the owner is known, he shall be immediately notified of the recovery of an abandoned aircraft or of the wreckage thereof which shall be returned to him after he has paid for legitimate expenses and a reward of a third of its value to the finder.

An aircraft or the wreckage thereof shall be deemed abandoned when it is found without its crew and when it is not possible to determine its legal ownership from the documents found on board, from the registration markings or from other means of identification, or when the owner declares his express desire to abandon it.

Article 138. In order to facilitate the exercise of his rights, the owner, if known, shall be notified of the recovery and in any case, notices shall be published in the *Boletín Oficial del Estado* on three different dates during the three months following the date when the recovery took place. After the expiration of one year from the date when the aircraft or wreckage thereof was found and no claim has been made by the owner, a legal presumption of abandonment shall be established.

Article 139. If the aircraft or the wreckage thereof cannot be preserved, or the period specified in the preceding Article has expired, the aircraft or the wreckage thereof shall be sold at public auction

and the proceeds shall be collected by the Government after deducting expenses and the reward, if any.

Article 140. Special regulations shall govern the duties and functions concerning this subject both of the authorities and of private individuals and the procedure to be followed in the investigation and any international collaboration which may be involved.

Article 141. The limitation of actions on claims arising from salvage and rescue operations shall be two years from the date of completion of such operations.

CHAPTER XVII. AIR TRAFFIC POLICE

Article 142. The air traffic police shall enforce compliance with all permanent or temporary regulations, legal provisions and rules which may be issued for the purpose of assuring fast, orderly and safe traffic of aircraft in the air and on the ground.

Article 143. The functions specified in the preceding article shall be exercised by the chief of the air region, by the chief of the airport and by the commander of an aircraft, as the case may be.

Article 144. The regulations concerning air traffic police and flight discipline shall apply to all civilian and military aircraft without distinction of type or class.

Article 145. An aircraft may fly within the Spanish air space only when it has been duly authorized to do so, after presentation of its flight plan, and when it has the markings of its nationality, registration or number, and when it carries the documents required by this Law, the regulations issued thereunder or by international treaties or agreements.

Article 146. All aircraft in flight shall follow the established flight routes or areas and shall respect prohibited or reserved areas.

Article 147. Any aircraft in flight within the air space shall land immediately at the airport indicated by the authorities controlling air traffic, or change the route originally planned when requested by such authorities to do so.

Article 148. Landing and take-off operations of aircraft shall not be carried out except at officially authorized airports and airdromes.

Article 149. The Minister of Air, either in person or through franchises, shall assume the organization and operation of aeronautical, meteorological and telecommunications services and of aids to air navigation.

Authorization of such services and authorization of airports shall be required and shall be in accordance with the conditions and rates established in the regulations.

CHAPTER XVIII. PRIVATE TRANSPORTATION, TOURIST FLIGHTS AND AVIATIONS SCHOOLS

Article 150. Aircraft for private transportation belonging to private enterprises, or belonging to flying schools, or engaged in technical or scientific work, and tourist or sport aircraft shall be subject to the provisions of this Law, whenever applicable, with the exceptions specified hereafter:

1. They shall not engage in any public service of air transportation of persons or goods, with or without remuneration.

2. They may use landing fields different from the airdromes officially open to traffic, after having obtained the necessary authorization from the General Director of Civil Aviation.

Article 151. Except for aircraft for tourist and sport activities, the use of aircraft for the purposes mentioned in the preceding Article shall require authorization from the Ministry of Air, and shall be subject to its inspection, under the conditions specified in the authorization itself or in special regulations.

CHAPTER XIX. PENALTIES

Article 152. The penalties which may be imposed administratively for violations of this Law and of the regulations issued thereunder concerning civil air navigation shall be the following:

1. Warning or admonition.

2. Suspension of the professional or aeronautical license up to a period of six months.

3. A fine of up to 10,000 *pesetas*.

4. Suspension for a period of six months to one year of the professional or aeronautical license and of the permit to practice a profession or trade for which no license is required.

5. A fine of from 10,000 *pesetas* to 100,000 *pesetas*.

6. Suspension up to six months of the transportation permits granted to a carrier.

7. Loss of a professional or aeronautical license.

8. Revision of the transportation permits granted to a carrier.

The penalties of a warning or fine of up to 500 *pesetas* may be imposed by the chief of an airport or by the commander of an aircraft, and such punishment may be appealed to the General Director of Civil Aviation.

The penalties specified in numbers 1, 2, and 3 may be imposed by the chief of an air region and the Director General of Civil Aviation, and such punishment may be appealed to the Minister of Air.

The penalties specified in numbers 4 to 7, inclusive, may only be imposed by the Minister of Air.

The penalty specified in number 8 may only be imposed by the authority or agency that granted the right, after following the procedures specified in the preceding paragraph.

Appeals from penalties imposed by the Minister of Air as specified in numbers 5 to 8, inclusive, shall be made to the Council of Ministers. When such penalty has been imposed by the Council of Ministers as within their jurisdiction, there shall be granted a right of petition for review of the decision of the Council.

The penal procedure shall be that established in the Law on Administrative Procedure (Repertorio 1958, 1496 and 1504, and Repertorio 1959, 585) with the exception that the penalties specified in numbers 1 and 3 above may be imposed without the need of setting up a file on the case.

Article 153. The penalties specified in numbers 1, 3, 5, 6, and 8 of the preceding article may be imposed on national or foreign air carriers in the following cases:

1. Non-compliance with the duties specified in the grant or permit.

2. Violation of the provisions on rates, flight routes, use of airports, frequency of flights and approved timetables except in cases of *force majeure*.

3. Irregularities in the maintenance of aircraft, equipment or installations which may endanger the safety or efficiency of the services.

4. Unjustifiable denial to the public of free access to the use of its services.

5. Issuance of tickets in violation of the provisions controlling foreign currency or other binding provisions.

6. Use of aircraft without the markings of nationality or registration, or without the equipment, documents or licenses, or the alteration of any of the above changes in an aircraft without the necessary authorization.

7. Failure to notify the aeronautical authorities immediately concerning accidents to its aircraft.

8. Lack of due care in rescue and salvage operations.

Article 154. Air carriers of foreign nationality engaged in public international transportation that load or unload cargo or mail on non-commercial flights, make cabotage flights over national territory or enter or depart from said territory without using a customs airport shall be liable to a fine of from 10,000 to 100,000 pesetas, or to cancellation of their transportation rights.

Article 155. The owners of private aircraft, or aircraft used for technical or scientific work that carry out such flights without the required permission or in violation of the requirements specified above, shall be liable to a fine of up to 100,000,000 pesetas, or suspension or cancellation of their flight permits.

Article 156. Any commander of an aircraft who commits any of the following violations shall be liable to a fine of up to ten thousand pesetas and suspension or loss of his aeronautical license:

1. Outfits an aircraft with a crew without having the personnel licenses in the form required.

2. Permits his subordinate to render services while being under influence of alcohol or drugs.

3. Permits non-crew members to intervene in flight operations.

4. Abandons an aircraft, its cargo or passengers before the end of the flight.

5. Dispenses with the use of services or installations of aid to navigation which are compulsory or necessary.

6. Does not comply with orders received from police authorities in charge of air traffic.

7. Flies over prohibited areas, carries out acrobatic or buzzing flights or other flights that violate the regulations.

8. Carries out test or demonstration flights without authorization.

9. Carries dead bodies or mental or contagious patients without the required authorization.

10. Permits the use of aerial cameras on board an aircraft without the required authorization.

11. Throws or permits the throwing of objects from an aircraft in flight without good reason.

12. Does not use due care in rescue and salvage operations.

13. Starts the flight without presenting and receiving authorization for the flight plan, or later changes such plan without a good reason.

14. Begins the flight with an excess load or poor distribution of the cargo with consequent danger to the aircraft.

15. Carries out a flight without complying with the provisions concerning customs, police and health.

16. Does not land when ordered to do so, or enters or leaves Spanish territory through airports which are not customs airports.

17. After landing does not present the required documents to the airport authorities.

Article 157. Technical aviation personnel belonging to the ground services shall be liable to a fine of up to 10,000 *pesetas*, and suspension or cancellation of their aeronautical license, as the case may be, for any action or omission in regard to their duties which, although it may not constitute a criminal offense, would endanger the safety of the aircraft, of the airdrome installations or of navigation aids, in accordance with the regulations.

Article 158. Any other violation of the provisions of this Law or of the regulations issued thereunder shall be punished in accordance with the discretionary judgment of the aviation authorities.

Article 159. The provisions of this chapter shall not prejudice possible criminal liability, nor liability to disciplinary punishment of employees by their superiors in accordance with administrative procedures in force, nor liability under the labor laws, which shall be adjudicated in accordance with their special regulations.

FINAL PROVISIONS

1. The transportation of mail, either of national or foreign origin, shall be governed by special laws passed for this purpose.

2. Whenever warranted by financial conditions the Government may change by a Decree approved by the Council of Ministers the amounts of compensation specified in Chapter XIII of this Law.

3. Air carriers which certify that they have obtained insurance for passengers in accordance with the provisions of Article 127 of this Law, and deduct the amount of the premium of this compulsory insurance from the price of the ticket in national air transportation, shall be excluded from the compulsory insurance of passengers, as provided for in the Law of September 26 of 1941. (Repertorio 1673 and Diccionario 17363).

In all cases compensation shall be paid within a maximum period of thirty days.

4. Any provisions in conflict with the provisions of this Law shall be repealed.

The Minister of Air shall be authorized to propose to the Government, or to issue, as the case may be, regulations for the enforcement of this Law, and the Commission of Aeronautical Codification shall submit the drafts of regulations or provisions of a general character which may further implement such a Law.

5. In relation to the third paragraph of Article 5 of this Law, Articles 8, 11, 17, 34 to 38, 45, 46, 51 through 58, 61, and 134 shall be applicable to military air navigation, in addition to those articles which so specifically provide.

TRANSITIONAL PROVISIONS

1. National air carriers which, at the time of publication of this Law, have been granted permission or have been authorized to carry out air services in national or international traffic shall continue to enjoy such authorization under the present conditions until such time as the Government, at the proposal of the Minister of Air, considers it proper to renew such authorizations in accordance with the provisions of Chapter XI of this Law.

2. Until such time as the Ministry of Air establishes the regions to which Article 9 refers, such regions shall coincide with the present aerial regions and zones.

SUDAN

THE AIR ACT 1960¹

(1960 Act No. 49)

AN ACT to regulate and control aviation.

In exercise of the powers conferred on him by Constitutional Order No. 1, the President of the Supreme Council for the Armed Forces hereby makes the following Act:—

CHAPTER I

PRELIMINARY

1. This Act may be cited as the Air Act 1960, and shall come into force on a date to be notified in the Gazette by the Council of Ministers.

Title and
Commence-
ment.

2. In this Act, unless the context otherwise requires:—

Interpreta-
tion.

“Aerobatic Flights” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed.

“The Act” includes regulations and orders made under the Act.

“Aerodrome” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and movement of aircraft and designated as an aerodrome by the Minister under this Act.

“Aircraft” means any machine that can derive support in the atmosphere from the reactions of the air.

“Authorised Person” includes, in addition to persons authorised by the Minister, police, customs, immigration and health service officials charged with duties under the Act or under any other legislation in respect of aviation or air transport.

“Buildings” includes structures, installations, masts, overhead cables, embankments and quays.

¹ Legislative Supplement to the Republic of the Sudan Gazette, No. 953, Dated 15th December, 1960, Supplement No. 1: General Legislations.

" Certificate "	includes a licence, and a certificate of validation of a certificate or licence.
" Chicago Convention "	means the Convention on International Civil Aviation made at Chicago, dated the 7th day of December, 1944.
" Civil Aircraft "	means aircraft other than State aircraft.
" Crew "	means persons assigned by the operator of an aircraft to duties on that aircraft during flight.
" Flight "	means the manoeuvres of an aircraft while airborne or introductory or successive to being airborne.
" Flight Time "	means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight.
" Foreign Aircraft "	means aircraft registered in a non-Sudanese register.
" Foreign State Aircraft "	means foreign aircraft used for State, military, customs or police purposes.
" Flying of an Aircraft "	means the performance of acts on board an aircraft relating to the use of that aircraft during flight time.
" Military Aircraft "	means aircraft used for military purposes, whether bearing military or civil marks.
" Minister "	means the Minister responsible for civil aviation.
" Operator of an Aerodrome "	means the person in whose name an aerodrome has been designated by virtue of his Act, or his employee, agent or representative in charge of such aerodrome.
" Operator of an Aircraft "	means the person using the aircraft. Provided that :—

- (a) A person shall be deemed to use an aircraft if his servants or agents use it in the course of their

employment, whether or not within the scope of their authority.

- (b) If control of navigation is retained by the person from whom the right of use is derived, the person retaining such control shall be deemed to be the user.
- (c) The registered owner of the aircraft shall be presumed to be the user unless and until the contrary is proved.

"Pilot-in-command" means the pilot who is primarily responsible for the flying of the aircraft whether or not he is the sole manipulator of the controls during flight time.

"Scheduled National Air Service" means a series of flights that possesses all the following characteristics:—

- (a) it passes through the airspace over Sudanese territory only;
- (b) it is performed by aircraft for the carriage of passengers, animals, mail or cargo for remuneration in such a manner that each flight is open to use by members of the public.
- (c) it is operated, so as to serve traffic between the same two or more points, either,
 - (i) according to a published time-table,
 - or
 - (ii) with flights so regular or frequent that they constitute a recognizably systematic series.

"Scheduled International Air Service"

means a series of flights that possesses all the following characteristics:—

- (a) it passes through the airspace over the territory of more than one State;

(b) it is performed by aircraft for the carriage of passengers, animals, mail or cargo for remuneration in such a manner that each flight is open to use by members of the public ;

(c) it is operated, so as to serve traffic between the same two or more points, either

(i) according to a published timetable or

(ii) with flights so regular or frequent that they constitute a recognizably systematic series.

" State Aircraft " means aircraft used for military, customs or police purposes.

" Sudanese Aircraft " means aircraft which are validly registered in a Sudanese register.

" Sudanese Territory " means the land areas of the Republic of the Sudan and the territorial waters adjacent thereto, and the airspace above such land areas and territorial waters.

3. (1) The legislation set forth in the first part of the First Schedule hereto is hereby repealed. Repeal and Saving.

(2) The regulations and orders set forth in the second part of the First Schedule shall continue in force until expressly repealed, and in the meantime shall be deemed to have been made and shall take effect as if made under this Act.

4. Subject to any exemptions contained in this Act, this Act applies :— Application.

(a) to Sudanese aircraft, whether Civil or State and whether within or outside Sudanese territory, save in so far as it conflicts with legislation of the foreign State having jurisdiction over the territory within which such aircraft may for the time being be situate.

(b) To foreign aircraft, whether civil or State, for the time being situate within Sudanese territory.

5. (1) The Minister shall be responsible for civil aviation in the Sudan.

Responsi-
bility of
Minister for
Civil
Aviation.

(2) The Minister shall, in fulfilling his responsibility, have regard to the development of world civil aviation and to the Preamble of the Chicago Convention.

(3) The Minister shall, in collaboration with all other Ministers concerned, endeavour to facilitate customs, immigration and health procedures applicable to :—

(a) civil aircraft flying to or from Sudanese territory ;

(b) the crews of such aircraft ;

(c) passengers, animals, cargo and mail carried or to be carried by such aircraft.

CHAPTER II

PROVISIONS AS TO REGISTRATION AND CERTIFICATION OF AIRCRAFT AND CREWS

6. (1) A register of Sudanese civil aircraft shall be kept by the Minister.

Registration
of Aircraft.

(2) A certificate of registration shall be issued in respect of every aircraft so registered.

(3) The Minister shall supply on demand to a State or to the International Civil Aviation Organization information concerning the registration and ownership of Sudanese civil aircraft engaged in international civil air navigation.

(4) A register of Sudanese military aircraft shall be kept by the Minister of Defence.

(5) A certificate of registration shall be issued in respect of every military aircraft so registered.

(6) No aircraft validly registered in a foreign State may be registered in either register.

(7) An aircraft validly registered in either register shall have Sudanese nationality.

(8) An aircraft registered in either register shall be presumed to be validly registered, unless a competent Sudanese court rules otherwise.

(9) An aircraft registered in a foreign State shall for the purposes of this Act have the nationality of that State unless a competent court of that State rules otherwise.

(10) No Sudanese aircraft shall be flown unless provided with a valid certificate of registration under this Section.

(11) No foreign aircraft shall be flown within Sudanese territory unless provided with a valid certificate of registration issued by the competent authority of the foreign State concerned.

7. (1) The nationality mark of Sudanese civil aircraft shall be determined in accordance with the provisions of a Convention or an agreement to which the Republic of the Sudan is a party. Nationality and Registration Marks.

(2) The nationality mark and the registration marks on Sudanese civil aircraft shall be painted on that aircraft in accordance with the provisions of a Convention or an agreement to which the Republic of the Sudan is a party.

(3) The Minister of Defence shall determine the nationality mark and registration marks of Sudanese military aircraft and the manner in which those marks shall be painted on such aircraft.

(4) No Sudanese aircraft shall be flown unless provided with nationality and registration marks in accordance with this Section.

(5) No foreign aircraft shall be :—

- (a) provided with Sudanese nationality or registration marks under this Section;
- (b) flown within Sudanese territory, unless provided with nationality and registration marks in accordance with the law of the State in which it is registered.

8. (1) Every Sudanese aircraft which is being flown or intended to be flown, whether within or outside Sudanese territory, shall be provided with and in possession of a valid certificate of airworthiness, or a valid certificate of validation of a valid foreign certificate of airworthiness issued by the Minister or, in the case of military aircraft, by the Minister of Defence, in accordance with regulations made by such respective Minister. Certificates of Airworthiness.

(2) Every foreign aircraft which is being flown within Sudanese territory shall possess a valid certificate of airworthiness, or a valid certificate of validation of a valid certificate of airworthiness, issued by the competent authority of the State in which the aircraft is registered.

(3) In the case of a foreign certificate of airworthiness, the standards to be met before its issue shall be not less than

those required under Sudan Law or under a convention or agreement to which the Republic of the Sudan is a party.

(4) An aircraft shall not be flown except in accordance with the conditions and subject to the restrictions laid down in such certificate of airworthiness.

(5) Notwithstanding that it possesses a valid certificate of airworthiness, an aircraft shall not be flown if it has in fact for any reason ceased to be airworthy.

9. (1) No Sudanese aircraft which carries or is intended to carry passengers or goods for hire or reward shall be flown unless it possesses a valid certificate of maintenance certifying that the aircraft has been maintained in accordance with maintenance schedules prescribed by the Minister.

Certificates
of Mainten-
ance.

(2) A certificate of maintenance shall be in such form and shall remain valid for such period and shall be issued by such person as the Minister shall prescribe.

(3) The pilot-in-command of such aircraft shall, on the termination of every flight, enter in a log book, to be provided for the purpose by the operator, a record of the duration of the flight in hours and minutes, and the operator shall maintain or cause to be maintained in such log book a record of the total number of hours flown by the aircraft since the issue of the last certificate of maintenance relating thereto.

(4) All such entries shall be signed and dated by the person making the same and the log book shall be preserved by the operator for a period of 2 years after the expiration of the relevant certificate or certificates of maintenance.

(5) The Minister may make provision for the grant of licences to aircraft maintenance engineers entitling them to issue certificates of maintenance.

10. (1) Every member of a crew flying or intending to fly a Sudanese aircraft shall be provided with and possess and carry a valid certificate of competency, or a valid certificate of validation of a valid foreign certificate of competency, issued by the Minister, or in the case of military aircraft, by the Minister of Defence.

Certificate of
Competency
of Crews.

(2) Every member of a crew flying a foreign aircraft within Sudanese territory shall possess and carry a valid certificate of competency, or a valid certificate of validation of a valid certificate of competency, issued by the competent authority of the State in which the aircraft is registered. Provided that the Minister may refuse to recognise a certificate of validation issued

by such authority to a Sudanese national.

(3) In the case of a foreign certificate of competency, the standards to be met before its issue shall be not less than those required under Sudan Law or under a Convention or agreement to which the Republic of the Sudan is a party.

(4) An aircraft shall not be flown by a member of a crew except in accordance with the conditions and subject to the restrictions laid down in his certificate of competency.

(5) Notwithstanding that he possesses a valid certificate of competency, a member of a crew shall not take part in flying an aircraft unless he is in a fit and proper condition to do so.

11. Every civil aircraft equipped with radio apparatus shall carry a valid aircraft radio licence, issued in the case of a Sudanese aircraft by the competent Sudanese authority and in the case of a foreign aircraft by the competent authority of the State in which the aircraft is registered. Radio
Licence.

12. (1) Without prejudice to the provisions of a Convention or an agreement to which the Republic of the Sudan is a party, the Minister may by order give directions as to :— Carrying of
Documents
on Aircraft.

- (a) the documents which shall be carried by Sudanese civil aircraft within or outside Sudanese territory or by foreign civil aircraft within Sudanese territory;
- (b) the form and contents of such documents;
- (c) the period (not exceeding 2 years) after the expiration of their validity or currency during which any such documents shall be preserved and kept available for inspection by the operator of a Sudanese civil aircraft.

(2) The Minister may prohibit the flying of civil aircraft not carrying the documents required under this Section.

CHAPTER III

PROVISIONS AS TO FLYING OF AIRCRAFT PILOT IN COMMAND OF SUDANESE AIRCRAFT

13. (1) For each flight the operator of a Sudanese civil aircraft must, if there is more than one pilot, designate one pilot to act as pilot-in-command.

(2) If the operator has not designated a pilot-in-command, the first officer shall act as pilot-in-command.

(3) The pilot-in-command shall have and exercise the necessary disciplinary powers over everyone on board to ensure its safe operation.

(4) Everyone on board a Sudanese civil aircraft shall behave in an orderly manner and obey the orders of the pilot-in-command.

(5) In the case of a Sudanese military aircraft, the competent military authority shall, if the crew of that aircraft consists of more than one person designate one member of the crew to act as pilot-in-command. If the competent military authority has not designated a pilot-in-command, the highest in rank of the pilots will act as pilot-in-command.

14. Foreign aircraft shall not over-fly or fly within or land on Sudanese territory unless:—

Control of
flights by
Foreign
Aircraft
within
Sudan

(a) Express permission has been given, in the case of civil aircraft, by the Minister, and in the case of military aircraft and aircraft used for State, Customs or Police purposes, by the Minister of Foreign Affairs, after consultation in each case with any other Minister concerned and the conditions laid down in such permit are observed, or,

(b) the right to over-fly or fly within or land on Sudanese territory is recognized by virtue of an international convention to which the Republic of the Sudan has adhered or in respect of which it is a contracting State, or by virtue of a specific inter-State agreement to which the Republic of the Sudan is a party.

Provided that in the event of the occurrence of war or of a state of hostility or international or national emergency affecting the Sudan, the Council of Ministers may by order prohibit aircraft registered in or belonging to any State, or the nationals of any State, named in such order, from over-flying or flying within or landing on Sudanese territory or any part thereof during such period as may be specified in the order, or until further order.

15. Any civil aircraft over-flying Sudanese territory may be required by any person duly authorised on that behalf to land at an aerodrome for the purpose of customs examination or other

Control of
Aircraft
over-flying
Sudan.

examination unless under the terms of a Convention or an agreement to which the Republic of the Sudan is a party the aircraft is permitted to make a flight in transit non-stop across Sudanese territory.

16. (1) The Minister may, for reasons of safety of flight, by order prescribe the routes to be followed within Sudanese territory by civil aircraft or certain classes of civil aircraft. Provided that there shall be no discrimination in respect of the nationality of the aircraft. Routes and Heights.

(2) The Minister, or in the case of military aircraft the Minister of Defence, may by order direct that no aircraft shall be flown over any town, thickly populated area, national park, game reserve or bird sanctuary at a height less than that prescribed by such Minister.

(3) No aircraft shall be flown within Sudanese territory at a height other than that prescribed by Conventions, Annexes thereto or Agreements to which the Republic of the Sudan is a party, or in default by the Minister.

(4) No Sudanese aircraft shall be flown outside Sudanese territory at a height other than that there legally applicable.

17. (1) The Minister may, for reasons of public security, after consultation with any other Minister concerned, restrict or prohibit the flying of any civil aircraft over specified areas within Sudanese territory. Flying over Restricted or Prohibited Areas.

(2) The Minister may, for reasons of military necessity, after consultation and in agreement with the Minister of Defence, restrict or prohibit the flying of civil aircraft over specified areas within Sudanese territory.

(3) The Council of Ministers may, during exceptional circumstances, temporarily restrict or prohibit the flying of all civil aircraft, within the whole or any specified part of Sudanese territory. Provided that flying for humanitarian purposes may be exempted from such restriction or prohibition.

(4) The Minister of Defence may restrict or prohibit the flying of foreign military aircraft belonging to any one or more foreign states within the whole or any specified part of Sudanese territory.

(5) An aircraft which is being flown in breach of any such restrictions or prohibition shall land at the nearest aerodrome outside the restricted or prohibited area or, if flying within the whole of Sudanese territory is restricted or prohibited, at the nearest aerodrome.

(6) An aircraft which fails, after being given due warning to land voluntarily at such aerodrome may be compelled to do so by force.

18. (1) No aircraft shall be flown within Sudanese territory, and no Sudanese aircraft shall be flown anywhere in such a way as to inconvenience or endanger men or animals, or interfere with the reasonable use of or endanger property, unless such flying is in accordance with the law or necessary to ensure the safety of the flight. Dangerous Flying.

(2) No aerobatic flights shall be performed over towns, national parks, game reserves or bird sanctuaries, nor, save with the permission of the Minister, over an open-air assembly of persons.

19. (1) No Sudanese aircraft capable of being flown without a pilot shall be flown without a pilot unless special permission has been obtained from the Minister, or, in the case of military aircraft, from the Minister of Defence, and all conditions respectively laid down by the Minister or the Minister of Defence are observed. Pilotless Aircraft.

(2) No foreign aircraft capable of being flown without a pilot shall be flown without a pilot within Sudanese territory unless special permission has been obtained from the Minister, or, in the case of military aircraft, from the Minister of Foreign Affairs, and all conditions respectively laid down by the Minister, or by the Minister of Foreign Affairs after consultation with the Minister and the Minister of Defence, are observed.

20. (1) No aircraft shall carry passengers, animals, mail or cargo within or to or from Sudanese territory for remuneration unless :— Carriage.

(a) a right to perform such carriage is conferred on such aircraft by or under a Convention or agreement to which the Republic of the Sudan is a party, or

(b) permission has been given by the Minister.

(2) The Minister may (save in so far as a Convention or agreement referred to under paragraph (a) may expressly provide to the contrary) :—

(a) impose conditions in respect of such carriage,

(b) prescribe the rates or tariffs to be charged in respect of such carriage after taking into account :—

- (i) in the case of mail, any rates adopted by the Universal Postal Union;
- (ii) in the case of other carriage, any rates adopted by the International Air Transport Association;

and so that, if no such rates have been adopted, the rates shall be fixed at reasonable levels, due regard being paid to all relevant factors, including economic operation, reasonable profit, difference of characteristics of service (including standards of speed and accommodation) and to the rates legitimately charged by other operators for such carriage.

21. (1) No passenger shall be picked up in Sudanese territory and carried in an aircraft outside Sudanese territory unless he is legally permitted to leave Sudanese territory.

Prohibitions
and Restrictions
on
Carriage of
Passengers.

(2) No passenger (other than a transit passenger) shall be carried in an aircraft into Sudanese territory unless he is legally permitted to enter Sudanese territory.

(3) No person suffering from a disease likely to endanger the health or safety of other passengers shall be carried in a Sudanese aircraft, whether within or outside Sudanese territory, or in a foreign aircraft within Sudanese territory, unless he is under the care or supervision of some competent person, and all necessary precautions are taken to safeguard the health and safety of other occupants of the aircraft.

22. Without prejudice to the provisions of any other law prohibiting or restricting the transport of goods, no Sudanese civil aircraft, whether within or outside Sudanese territory, and no foreign civil aircraft within Sudanese territory, shall carry any of the articles hereinafter in this Section specified unless granted permission to do so by the authorities respectively named in this Section, and subject to any prescribed conditions:—

Prohibitions
and Restrictions
on
Carriage of
Goods.

- (a) Munitions of war or implements of war ;

Provided that :

- (i) permission for such carriage may be granted by the Minister with the agreement of the Minister of Defence, and, if the carriage is to a foreign State or between foreign States, the Minister of Foreign Affairs ;

- (ii) the Minister may prescribe conditions to ensure safety of flight ;
 - (iii) the Minister with the agreement of the Minister of Defence may determine what constitutes munitions of war and implements of war for the purposes of this Section, giving due consideration to any recommendations thereon of the International Civil Aviation Organization.
- (b) Corpses — unless the permission of the Minister has been obtained and subject to any prescribed conditions.
 - (c) Animals — unless all necessary precautions are taken to safeguard the flight, and the health and safety of passengers.
 - (d) Poisonous gases, explosives, or radio-active materials, unless the permission of the Minister has been obtained, and subject to any prescribed conditions.
 - (e) Narcotic drugs — save such as may be packed and sealed on board the aircraft for use in an emergency connected with the aircraft.

23. No foreign military aircraft shall carry within Sudanese territory any munitions of war, implements of war, poison gas, explosives, or radio-active material, unless the permission of the Minister of Foreign Affairs and of the Minister of Defence has been obtained, and subject to any prescribed conditions.

Carriage of
Munitions by
Foreign
Military
Aircraft.

CHAPTER IV

AERODROMES

24. (1) The Minister may, of his own motion or upon the application of any interested party, designate an area of land or a surface of water as a civil aerodrome.

Designation
of Aero-
dromes.

(2) The Minister of Defence may, in agreement with the Minister, designate an area of land or a surface of water as a military aerodrome, for exclusive military use.

(3) No area of land or surface of water within Sudanese territory not so designated shall be made to resemble or use

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as an aerodrome, and in particular no aircraft shall take off from or land on any place other than an aerodrome so designated.

25. (1) A civil aerodrome shall be designated for public use or for private use. Designation
for Public
and Private
Use.

(2) The use of an aerodrome so designated may be further restricted in respect of:—

- (a) category of aircraft ;
- (b) size or weight of aircraft ;
- (c) form of civil aviation (as between international, national, commercial or private).

(3) An aerodrome designated for public use may, in agreement with the Minister of Defence, also be used by military aircraft generally or on special occasions, provided such use shall not interfere with the safe operation of civil aircraft.

(4) An aerodrome designated for private use may (subject to the provisions of Section 36) be used by the operator of that aerodrome for his own purposes, or by those whom he may invite to use it.

(5) In designating an aerodrome the Minister shall take into account the Standards and Recommended Practices concerned laid down in Annex 14 ("Aerodromes") to the Chicago Convention.

(6) The designation shall incorporate conditions with regard to the construction and lay-out of the aerodrome, the installations thereof, the provision of aeronautical services (including air traffic control, telecommunications, meteorological services, rescue and fire services) and the maintenance of the aerodrome.

26. (1) For the purpose of this Section the expression "area" means the area of land or the surface of water, in respect of which an application for designation has been made. Applications
for Designa-
tion.

(2) An application for designation of an area as an aerodrome shall be submitted to the Minister, accompanied by the following documents in triplicate:—

- (a) A plan clearly showing the size, the site and the boundaries of the area, and, if the land is registered, the reference numbers on the land register.

- (b) A general map showing the site of the area in relation to neighbouring towns.
 - (c) A general map of a scale not less than 1/5000 showing the area and its neighbourhood to a distance therefrom not exceeding 10,000 metres as specified by the Minister.
 - (d) A statement explaining the intended use of the aerodrome.
 - (e) A statement as the tenure of the land comprised in the area, showing whether it is owned by the Applicant or by the Government or by third parties, and whether free from or subject to any registered or unregistered rights in others.
- (3) The Minister may ask the applicant to supply any further information that he may require.

27. (1) The Minister may in the exercise of his discretion either reject an application for designation forthwith or may direct that an enquiry by a person to be nominated by the Minister be held, at which opportunity shall be given to all interested parties to raise objections to the designation of the area as an aerodrome or to the intended use of such aerodrome.

Consideration of Applications.

(2) In considering whether or not he shall designate an area as an aerodrome the Minister shall take into account the interests of neighbouring towns and of all persons having rights or interests in the area or in the neighbourhood of the area, including the views of the Local Planning authorities.

28. (1) The Minister may of his own motion or upon the application of any interested party modify or revoke a designation of an area as an aerodrome. Before doing so the Minister may direct an enquiry to be held under the preceding Section.

Modification or Revocation of Designation.

(2) The Minister shall revoke a designation :—

- (a) Upon a written request by the operator of the aerodrome, in which case the Minister shall revoke the designation within a period of 12 months after receipt of the request.
- (b) Upon a written request by some person other than the operator of the aerodrome who has become entitled to ownership of the area, or to rights in respect of the area incompatible with its continued use as an aerodrome.

Provided that if such ownership or rights affect only part of the area, the Minister shall revoke the designation as an aerodrome only with regard to that part of the area, if the remaining part of the area can serve the purpose for which the aerodrome was originally designated.

29. (1) An applicant, whose application for designation of an area as an aerodrome or for the modification or revocation of a designation has been rejected, and any other interested party who claims to be injuriously affected by such designation, modification or revocation, shall have a right of appeal to the Council of Ministers against a decision of the Minister on any such question (other than a decision of revocation made under paragraph (a) or (b) of Sub-section (2) of the preceding Section).

(2) The decision of the Council of Ministers on such appeal shall be final.

30. If a civil aerodrome has been designated for public use and the site or any part of the site thereof is owned by, or subject to registered rights vested in any private person or persons such site or part thereof shall, in default of agreement by private treaty, be subject to acquisition under the Land Acquisition Ordinance.

Acquisition
of Aero-
drome Sites.

31. (1) The Minister may at any time direct alterations to be made on an aerodrome in the interests of the safety of the general public, or of the safety of take-off and of landing on the aerodrome.

Alterations
in the
Interests of
of Public
Safety

(2) Any alterations to be made in the interest of the safety of the general public shall be made in agreement with the Minister or Ministers responsible for such safety.

(3) The operator of the aerodrome shall be entitled to be reimbursed the reasonable costs of any alterations made by him on an aerodrome solely in the interests of the safety of the general public as the result of any such direction.

32. The operator of an aerodrome designated for public use shall admit air traffic on that aerodrome in accordance with regulations laid down by virtue of this Act and subject to the conditions laid down in its designation as an aerodrome.

Use of
Aerodromes.

33. The operator of an aerodrome shall not use or allow that aerodrome to be used :—

Restrictions
on Use.

- (a) in contravention of the conditions laid down in the designation of the aerodrome ;
- (b) in contravention of an order for its temporary closure, made by the Minister under the following Section of this Act ;
- (c) for purposes which are not connected with the use of the aerodrome by aircraft or with the handling of passengers, animals, mails and cargo to be carried by aircraft.

34. (1) An aerodrome may be temporarily closed by the Minister if :— Closure of Aerodrome

- (a) the safety of civil aviation so requires ;
- (b) the aerodrome has been used in breach of the preceding Section.

(2) An aerodrome may be temporarily closed by the Minister, in agreement with any other Minister concerned:—

- (a) for reasons of public security ;
- (b) if the operator of the aerodrome has committed or permitted breaches of the law concerning customs, immigration or health applicable to that aerodrome.

(3) Such temporary closing may be restricted to the use of the aerodrome by :—

- (a) special categories of aircraft ;
- (b) special forms of civil aviation,
(such as international civil aviation or commercial aviation) ;
- (c) aircraft up to a certain weight.

35. (1) The operator of an aerodrome designated for private use shall display signs thereon in order to indicate that the aerodrome has been designated for private use only and shall not give or permit any contrary indication or impression. Marking of Private Aerodromes.

(2) These signs shall be in accordance with a specification prescribed by the Minister, and shall be such that they can be recognised by the crew of an aircraft in flight at a reasonable height and distance from the aerodrome and under normal weather conditions.

36. Aircraft shall not land on or take-off from an aerodrome designated for private use without the consent of the Use of Private Aerodromes.

operator of the aerodrome, and of the Minister.

37. (1) The operator of an aerodrome designated for public use shall not collect fees or charges for the use of that aerodrome, unless those fees and charges have been approved by the Minister.

Control of
Aerodrome
Charges.

(2) The operator of an aerodrome designated for private use, shall not derive any remuneration or indirect benefit from the use of that aerodrome by aircraft other than his own, unless such remuneration or benefit has been approved by the Minister.

38. The operator of an aerodrome shall keep a Register in which he shall record the arrival and the departure of each aircraft. He shall produce this Register on request for inspection by any authorised person.

Register of
Aircraft
Using
Aerodromes.

39. (1) The Minister shall in agreement with other Ministers concerned, designate aerodromes as aerodromes for use in international aviation for the purposes of customs, immigration and health examination.

Designation
of Aero-
dromes for
Inter-
national
Aviation.

(2) The designation of such aerodromes shall be published nationally and internationally in such a way as to bring it to the attention of all interested persons, whether in the Sudan or abroad.

(3) An aircraft after entering Sudanese territory shall land at the nearest aerodromes so designated, unless a Convention or an agreement to which the Republic of the Sudan is a party entitles that aircraft to make a flight in transit non-stop across Sudanese territory, or permission so to do is given by the Minister in agreement with other Ministers concerned.

(4) Whenever an aircraft has landed otherwise than in accordance with the provisions of the preceding sub-section, the pilot-in-command shall forthwith notify the nearest or most accessible customs, immigration and health authorities, and shall not resume the flight until these authorities have given permission.

40. Save as otherwise provided by this Act, no person shall enter or be upon any aerodrome or building thereon, or allow any animal to trespass on an aerodrome, without the authorisation of the Minister, given in conformity with the requirements of any other Minister concerned.

Trespass on
Aerodromes

41. (1) The operator of an aerodrome shall not permit the existence on the aerodrome of any obstacles, temporary or permanent, which may endanger the landing, taking-off or taxiing of aircraft.

Obstruction
on Aero-
dromes.

(2) No person shall construct any buildings or structures on an aerodrome without the permission of the Minister.

42. (1) The Minister may, in respect of any area or part thereof surrounding a civil aerodrome :—

Obstructions
on Ground
Surrounding
Aerodromes.

(a) prohibit :

- (i) the erection of buildings ;
- (ii) the growing of trees ;
- (iii) the placing of any other obstacle.

(b) direct the removal of any existing building, tree or other obstacle, which is likely to interfere with the safety of the take-off or landing of aircraft. In doing so the Minister shall apply the Standards laid down in Annex 14 (" Aerodromes ") to the Chicago Convention.

(2) Any such prohibition or direction may be issued by the Minister of his own motion or upon a written application from the operator of the aerodrome concerned.

43. (1) An application by the operator of an aerodrome for the prohibition or removal of obstructions shall be submitted to the Minister accompanied by the following documents in triplicate :—

Application
for Prohibition or
Removal of
Obstructions.

- (a) a plan clearly showing the size, the site and the boundaries of the area in respect of which a prohibition, or a direction for the removal of an obstruction, is sought and, if the land is registered, the reference numbers on the land register;
- (b) in the case of an obstruction, the position and nature of the obstruction;
- (c) a general map showing the site of the area in relation to neighbouring towns;
- (d) a statement as to the tenure of the land comprised in the areas, showing whether it is owned by the Government or by third parties, and whether free from or subject to any registered or unregistered rights in others.

(2) The Minister may ask the applicant to supply any further information that he may require.

44. (1) The Minister may in the exercise of his discretion either reject an application under the preceding Section forthwith, or may direct that an enquiry by a person to be nominated by the Minister be held, at which opportunity shall be given to all interested parties to raise objections to the proposed prohibition or direction for removal. Consideration of Application.

(2) In considering whether or not he shall issue such prohibition or direction the Minister shall take into account, on the one hand the requirements of safe approach to and departure from the runways of the aerodrome, and on the other hand the interests of the neighbouring towns and interested parties referred to in the preceding Section.

45. (1) The Minister may of his own motion or upon the application of the operator of the aerodrome concerned modify or revoke a prohibition made under Section 42. Before doing so the Minister may direct an enquiry to be held under the preceding Section. Modification or Revocation of Prohibition.

(2) The Minister shall revoke such prohibition if the designation of the aerodrome concerned has been revoked.

46. (1) An applicant, whose application for the prohibition or removal of obstructions or for the modification or revocation of a prohibition, has been rejected, and any other interested party who claims to be injuriously affected by such prohibition, modification, or revocation shall have a right of appeal to the Council of Ministers against a decision of the Minister on any such question (other than a decision under Sub-Section (2) of the preceding Section). Appeals.

(2) The decision of the Council of Ministers on such appeal shall be final.

47. (1) Any person injuriously affected by a prohibition or direction made under Section 42 shall be entitled to be paid compensation by the operator of the aerodrome in respect of the injury so caused. Compensation.

(2) In default of agreement, the compensation shall be assessed by a board of 3 arbitrators, of whom one shall be appointed by the person injuriously affected, one by the operator of the aerodrome, and one by the Minister.

CHAPTER V

ACCIDENTS AND INSURANCE

48. (1) For the purposes of this Section the word "accident" means any incident, in consequence of which an Inquiry into Accidents.

occupant of an aircraft has been killed or seriously injured, or aircraft or goods therein have been seriously damaged, or persons not on the aircraft have been killed or seriously injured or goods not on the aircraft have been seriously damaged, whether directly or indirectly, by an aircraft ; and includes any incident in consequence of which the safety of the occupants of the aircraft has been seriously endangered, or the safety of any person not on the aircraft has been seriously endangered by an aircraft.

(2) Whenever a Sudanese civil aircraft, or a foreign civil aircraft within Sudanese territory, is involved in an accident, an inquiry shall be held into the causes of that accident.

(3) Such inquiry shall consist of a preliminary investigation and a public inquiry.

49. (1) The preliminary investigation shall be undertaken by an Accident Investigation Officer (hereinafter in this Chapter called " the Officer ") who shall be a senior officer of the Department of Civil Aviation appointed by the Minister. Preliminary
Investigation.

(2) The Officer shall have power :—

- (a) to summon and examine all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents, and articles which the Officer may consider relevant, and to retain any such books, papers, documents and articles until the completion of the investigation ;
- (b) to take statements from all such persons as he thinks fit, and to require any such persons to make and sign a declaration of the truth of the statement made by him ;
- (c) to have access to and examine any aircraft involved in the accident and the place where the accident occurred, and for that purpose to require any such aircraft or any part thereof to be preserved unmovcd or unaltered pending examination ;
- (d) to examine, remove, test, take measures for the preservation of, or otherwise deal with the aircraft or any part thereof or anything contained therein ;

- (e) to enter and inspect any place or building the entry or inspection of which appears to the Officer to be requisite for the purposes of the investigation ;
- (f) to take measures for the preservation of evidence.

(3) Public notice that such preliminary investigation is about to be held shall be given in such manner as the Minister may think fit, and shall state that any person may submit written representations concerning the circumstances or causes of the accident within a time to be specified in the notice.

(4) The investigation shall be held in private.

(5) Where it appears to the Officer that in order to resolve any conflict of evidence or for any other reason it is expedient so to do, he may permit any person to appear before him and call evidence and examine witnesses.

(6) Where it appears to the Officer that any degree of responsibility for the accident may be attributed to any person, that person, or, if he be deceased, his legal personal representatives, shall be given notice that blame may be attributed to him, and shall be permitted to appear before the Officer and call evidence and examine any witnesses whose evidence may implicate him.

(7) The Attorney-General may intervene at any stage of a preliminary investigation in order to make representations or to examine witnesses, if it appears to him expedient so to do in the public interest.

(8) Upon the completion of a preliminary investigation, the Officer shall make a report to the Air Accidents Investigation Commission mentioned in the following Section. He shall state his findings of fact, and his conclusions as to the cause of the accident, adding any observations and recommendations which he may think fit with a view to the avoidance of similar accidents in future.

50. (1) The public inquiry shall be undertaken by a permanent Commission to be known as the Air Accidents Investigation Commission (hereinafter in this Chapter referred to as "the Commission"), which shall be an independent non-government body, consisting of a Chairman and two other members, who shall be appointed by the Council of Ministers. The Chairman of the Commission shall be an advocate of not less than ten years standing. The Commission shall be assisted

Inquiry by
Air
Accidents
Investiga-
tion
Commission.

by not less than two assessors possessing aeronautical engineering or other special skill or knowledge with regard to civil aviation, who shall be nominated by the Chairman for each inquiry.

(2) Every inquiry shall be conducted in such manner that, if a charge is made against any person, that person shall have full opportunity of defending himself.

(3) The Commission and each of its members may:—

- (a) enter and inspect, or authorise any person to enter and inspect, any place or building entry or inspection whereof appears to the Commission requisite for the purposes of the inquiry;
- (b) by summons require the attendance as witnesses of all such persons as the Commission may think fit to call and examine, and require such persons to answer any questions or furnish any information or produce any books, papers, documents and articles which the Commission may consider relevant;
- (c) administer the oath to any such witness, or require any witness to make a declaration of the truth of the statements made by him in his examination.

(4) The Commission shall cause 14 days' notice of the inquiry to be served upon any person who in its opinion ought to be served with such notice. At the time and place appointed for holding the inquiry the Commission may proceed with the inquiry whether the parties upon whom a notice of inquiry has been served or any of them are present or not.

(5) The Commission shall hold the inquiry in open session unless it is of the opinion that in the interests of justice or in the public interest any part of the evidence, or any argument relating thereto, should be heard in camera.

(6) The Commission shall determine its own procedure at the inquiry.

(7) The findings of the Commission shall (unless the Council of Ministers for reasons of state otherwise direct) be pronounced in open session. These findings may recommend disciplinary measures against any member of the air crew or ground crew or aerodrome staff concerned. Such recommendation may include the withholding of a Sudanese certificate of competency or certificate of validation of a valid foreign certificate of competency for a period not exceeding one year.

(8) The Commission may as a result of the inquiry or during the inquiry make proposals to the Council of Ministers for the purpose of preventing future accidents involving civil aircraft.

(9) The Commission and the Officer shall respectively have power during the inquiry and investigation to recommend suspension of a Sudanese certificate of competency or certificate of validation of a valid foreign certificate of competency during a period not exceeding the period of the investigation and inquiry if it appears to the Commission or the Officer that the holder of the certificate is incompetent to fly an aircraft.

(10) Every person summoned by the Commission or by the officer as a witness shall be allowed such expenses as the Minister after consultation with the Minister of Finance may from time to time determine.

(11) The Commission may reopen a public inquiry:—

- (a) if new and important evidence which could not be produced at the inquiry has been discovered, or
- (b) if for any other reason there is in it's opinion ground for suspecting that a miscarriage of justice has occurred.

51. (1) If an accident has occurred within Sudanese territory involving a foreign civil aircraft, an accredited representative of the State in which the aircraft is registered, or of any State which has, on request, furnished information in connection with the accident, may with the consent of the Minister participate in the preliminary investigation; and may with the like consent and that of the Commission, participate in the inquiry; and such person may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the State by which he is appointed.

Accident
Involving
Foreign
Civil
Aircraft.

(2) Notwithstanding the provisions of the two preceding Sections the Minister may, in exceptional cases, delegate the whole or any part of the inquiry to the accredited representative of the State in which the aircraft is registered.

(3) The Minister may forward a copy of the findings of the Commission, and of any proposals made by it, to such last mentioned State, and relevant extracts from those findings and proposals to any State which has, on request, furnished information to the Commission.

52. If an accident involving a Sudanese civil aircraft has occurred within the territory of a foreign State and an investigation is being undertaken by that State, the Minister may, on request, furnish that State with any relevant information available to him, including information concerning air safety facilities and services which may have been used by the aircraft prior to the accident, on condition that the State conducting the investigation, if requested, permits an accredited representative appointed by the Minister, accompanied by such technical and other advisers as the Minister may consider necessary, to participate in the investigation.

Accidents
Involving
Sudanese
Aircraft
Abroad.

53. Where the Investigation of Accidents Ordinance applies to an accident involving a civil aircraft within Sudanese territory, the person mentioned in Section 3 of that Ordinance and the Court mentioned in Section 4 of that Ordinance shall co-operate with the officer and the Commission and shall not interfere with the preliminary investigation undertaken by the officer or the inquiry undertaken by the Commission.

Accidents
within the
Scope of the
Investiga-
tion of
Accidents
Ordinance.

54. (1) The Minister of Defence may make provision with regard to the investigation into accidents in which a Sudanese military aircraft is involved or in which a foreign military aircraft within Sudanese territory is involved; and

Accidents
Involving
Military
Aircraft.

(2) in the case of accidents involving both civil and military aircraft, the Commission shall provide for participation in the investigation by appropriate military authorities;

(3) in the case of accidents involving solely military aircraft and in which a function of the Ministry of Communications is or may be involved, military authorities shall provide for participation in the investigation by the Minister;

(4) with respect to other accidents involving solely military aircraft, the military authorities shall provide the Minister and the Commission with any information with respect thereto which, in the judgement of the military authorities, would contribute to the promotion of air safety.

55. (1) Without prejudice to the provisions of a Convention or an agreement to which the Republic of the Sudan is a party, the Minister may direct:—

Insurance
Against
Damage by
Aircraft.

(a) that no civil aircraft be flown within Sudanese territory unless the operator of that aircraft is duly insured up to an amount prescribed by the Minister in respect of his liability to any person who suffers damage caused by that aircraft or by any person or thing falling therefrom within Sudanese territory.

(b) that no operator carry passengers, animals, mail or cargo within, to or from Sudanese territory for remuneration unless the operator is duly insured up to an amount prescribed by the Minister in respect of his liability under Sudan law for:—

(i) the death or injury of a passenger or animal caused by an accident to or on board the aircraft or in the course of embarking or disembarking;

(ii) the destruction, or loss of, or damage to, any mail or cargo or passenger luggage, if the occurrence which caused the same took place during the carriage by air.

“Carriage by air” within the meaning of the preceding sub-paragraph comprises the period during which the mail or cargo or passengers’ luggage are in charge of the operator, whether on board an aircraft, or in an aerodrome, or in case of a landing outside an aerodrome, on such landing-ground, but does not extend to any carriage by land, sea or river performed outside such aerodrome or landing-ground.

(iii) damage occasioned by delay in the carriage by air of passengers, animals, mail or cargo or passengers’ luggage.

(2) For the purposes of this Section, “duly insured” means insured by an insurer who is authorised to effect such insurance under the laws of the State where the aircraft is registered or of the State where the insurer has his residence or principal place of business, and whose financial responsibility has been verified by the State concerned. Provided that in lieu of such insurance the operator may provide a guarantee in respect of such liability:—

(a) in the form of a deposit of money made with a State institution or with a Bank authorised for that purpose in the State in which the aircraft is registered, or

(b) in the form of a guarantee given by a Bank authorised for that purpose in the State in which the aircraft is registered.

(3) Where the Minister is given a direction under paragraph (a) or (b) of Sub-section (1) of this Section, evidence of such insurance or guarantee shall be carried on the aircraft in the form of an official certificate or document.

(4) The Minister of Foreign Affairs may lay down as a condition of the permit mentioned in Section 14 (1) (a) that the Foreign Ministry of Defence concerned accepts liability to any person who suffers damage caused by the Foreign military aircraft or by any person or thing falling therefrom on Sudanese territory.

CHAPTER VI

MISCELLANEOUS

56. Without prejudice to the provisions of a Convention or an agreement to which the Republic of the Sudan is a party, fuel, lubricating oils, other consumable technical supplies, spare parts, regular equipment and aircraft stores shall be exempt from customs duties, excise taxes, inspection fees and other similar duties, taxes or charges:—

Exemption
from
Customs
Duties.

- (a) if they are retained in aircraft arriving in Sudanese territory, while engaged upon international flights ;
- (b) if they are separately imported into Sudanese territory solely for use by aircraft engaged upon international flights, and such aircraft depart from a Customs Aerodrome direct to any place situated outside the Customs boundary.

Provided that :

- (i) articles separately imported into Sudanese territory shall be kept under the control and supervision of the customs authorities until taken on board such aircraft or re-exported.
- (ii) in the case of foreign aircraft, such exemption shall only be given if and so far as reciprocal treatment is accorded to Sudanese aircraft and the operator of the foreign aircraft concerned gives satisfactory assurances against misuse.

57. The Minister or the Minister of Defence, as the case may be may, in agreement with any other Minister concerned, designate special experimental areas in which civil or military aircraft shall be exempted from compliance with such of the provisions of this Act concerning the flight of such aircraft as the Minister or Minister of Defence may specify. Provided that only members of the crew and persons specifically authorised by the Minister or Minister of Defence shall fly in an aircraft so exempted.

Exemption
from Flight
Rules.

58. The Minister, in the case of civil aviation, and the Minister of Defence, in the case of military aviation, may in a particular case or particular cases for good and sufficient reason exempt any person, or any aircraft, or any aerodrome from any of the provisions of this Act.

General
Power of
Exemption.

Provided that,

- (a) no such exemption shall be granted which might directly or indirectly affect the safety of air traffic;
- (b) in the case of foreign State aircraft, the agreement of the Minister of Foreign Affairs shall first be obtained.

59. (1) In any case where the interests of civil aviation and military aviation conflict, the Minister and the Minister of Defence shall consult together.

Disposal of
Conflicts or
Disagree-
ments
between
Ministers.

(2) In any case where this Act requires agreement between Ministers and no agreement can be reached, the Council of Ministers shall decide the issue.

60. Whenever a proclamation of emergency under the Defence of the Sudan Ordinance has been issued, the Council of Ministers may by order suspend the operation of any of the provisions of this Act during the emergency or for such shorter period as it may think fit.

Power of
Suspension
During
Emergency

61. (1) During such emergency and without prejudice to its powers under the said Ordinance, the Council of Ministers may at the request of the Minister or the Minister of Defence or any other Minister concerned,

Requisi-
tioning
Power in
Emergency

- (a) by order requisition any Sudanese civil aircraft, foreign civil aircraft permanently based on Sudanese aerodromes, or aerodromes, or the temporary use thereof;
- (b) give instructions to the operator of an aircraft or aerodrome so requisitioned and all other persons concerned with regard to the use thereof;
- (c) direct that any works be carried out on an aerodrome;
- (d) require the compulsory services of Sudanese or persons domiciled and resident in the Sudan who are qualified as air-crew or ground crew or aerodrome staff or in other work directly connected with civil aviation.

(2) Compensation in respect of any order, instruction or direction given under this Section shall be assessed and paid in accordance with the provisions of the said Ordinance and relevant regulations made thereunder.

62. (1) The pilot-in-command may jettison cargo if necessary for the safety of the flight. Provided that, so far as may be consistent with safety, cargo shall not be jettisoned over populated areas. Right of Jettison.

(2) Save as aforesaid, no object or material shall be thrown from an aircraft during flight except :—

- (a) fine sand ;
- (b) water ;
- (c) sprays or dusts for pest control ; or other materials for furthering or protectin agriculture, horticulture or forestry, at pglaces designated for that purpose and in conformity with directions given by any Minister or Ministers concerned in agreement with the Minister;
- (d) any other object from time to time specified by the Minister, and in conformity with his directions.

63. No refuse from an aircraft shall be dumped or deposited at any place other than the place on an aerodrome allotted for that purpose by the Minister, or the Minister of Defence as the case may be. Dumping of Refuse.

64. The Minister may after consultation with the Minister of Defence by order prohibit the taking of photographs from aircraft flying within Sudanese territory or any specified part thereof. Power to Prohibit Photography from Aircraft.

65. No person shall without the permission of the Minister institute or conduct a training school for the flying of civil aircraft or give instruction in the flying of civil aircraft. The Minister, in giving permission, may impose conditions regarding the age of the pupils, the ability and qualifications of the instructors, the types of aircraft used for training, and the control of the training school. Training Schools.

66. No person shall without permission of the Minister, and subject to such conditions as the Minister, after consultation with any other Minister concerned may impose. Advertising and Display.

- (a) use an aircraft for **advertising purposes within Sudanese territory** ;
- (b) **hold or take part in a public display with civil aircraft within Sudanese territory.**

67. (1) The Minister may, after consultation with any other Minister concerned, make regulations for the purpose of carrying out the provisions of this Act, and in particular and without prejudice to the generality of such power, may by such regulations provide for:—

Power to
make
Regulations.

- (a) the registration, transfer and cancellation of registration of civil aircraft ;
- (b) the form of nationality and registration marks ;
- (c) the issue, renewal, suspension and revocation of certificates of **airworthiness** ;
- (d) the issue, renewal, suspension and revocation of certificates of competency of crews, and of licences of aircraft maintenance engineers ;
- (e) the composition of crews of Sudanese civil aircraft ;
- (f) the rates and tariffs to be charged for and conditions to be observed in the carriage of passengers, animals, mail, cargo or passengers' luggage ;
- (g) the detention of civil aircraft, detention of which is authorised under this Act by the Minister ;
- (h) the construction, use and maintenance of aerodromes ;
- (i) the overhaul, repair, replacement of parts, or modification of Sudanese civil aircraft, including their engines, components, accessories, instruments, equipment and apparatus ;
- (j) the training and qualifications of air and ground crews and aerodrome staff ;
- (k) the use (other than for military purposes) of rockets, parachutes, balloons, model aircraft and kites.

(2) The Minister of Defence may likewise, after consultation with any other Minister concerned, make such regulations in respect of military aviation, and in particular and without

prejudice to the generality of such power, may by such regulations provide for :—

- (a) the issue, renewal, suspension and revocation of certificates of airworthiness of military aircraft;
- (b) the issue, renewal, suspension and revocation of certificates of competency of military crews;
- (c) the detention of foreign State aircraft detention of which is authorised under this Act by the Minister of Foreign Affairs;
- (d) the investigation of accidents involving Sudanese military aircraft anywhere, or foreign State aircraft within Sudanese territory.

68. (1) Any authorised person may, with a view to ensuring compliance with, or detecting, preventing, or remedying breaches of the provisions of this Act, Powers of Enforcement.

- (a) board any civil aircraft ;
- (b) enter any civil aerodrome ;
- (c) require production of any documents which ought to be carried by any civil aircraft or any member of the crew thereof ;
- (d) seize any article the carriage of which is reasonably believed to be prohibited.

(2) Any person duly authorised in that behalf by the Minister may prevent, if necessary by force, the take-off of any aircraft if such take-off is likely :—

- (a) to endanger the safety of its flight, or
- (b) to endanger other persons or property, or
- (c) to result in the breach of a provision of this Act.

Provided that in the case of Sudanese military, or foreign State aircraft, no such action shall be taken except upon the express authority of the Minister of Defence or the Minister of Foreign Affairs as the case may be.

69. Every civil aircraft within Sudanese territory, and every person on board the same, whether such aircraft is in flight or on the ground, shall be subject to the laws of the Sudan, and to the jurisdiction of the Sudan Courts. Jurisdiction.

70. (1) Non-compliance with or breach of any of the provisions of this Act or any regulations or orders made hereunder shall be an offence. Offences and Penalties.

(2) The penalties which may be inflicted for such offences are set out in the Second Schedule.

(3) A Court before which any member of the crew of a Sudanese aircraft is convicted of any offence in connection with the flying of an aircraft may, in addition to any other penalty, direct that he be prohibited from flying an aircraft for a period not exceeding one year for a first offence and three years for a subsequent offence, and his certificate of competency shall be endorsed accordingly.

(4) Any person flying an aircraft in breach of a prohibition under the preceding sub-section shall be liable to imprisonment for a term which may extend to 3 years, or fine, or both.

71. On the coming into force of this Act, the provisions of the Annexes (as from time to time amended) of the Chicago Convention shall apply to the territory of the Sudan and to Sudanese civil aircraft within or outside Sudanese territory, and to foreign civil aircraft within Sudanese territory (in so far as such provisions are not expressly included in this Act) as if the same were herein expressly included. Provided that in every case where the Republic of the Sudan has notified a difference under Article 38 of the said Convention, the provision or provisions to which that difference relates shall not apply, or shall apply as modified by that difference, as the case may be. Application of Convention Annexes.

THE FIRST SCHEDULE**PART I****LEGISLATION REPEALED**

1. The Air Navigation Ordinance.
2. The Air Advisory Board Order.
3. The Air Navigation (Khartoum Royal Air Force Aerodrome) Regulations.
4. The Air Navigation Regulations.
5. The Air Navigation (Licensing and Maintenance) Regulations.
6. The Air Navigation (No. 2) Order.
7. The Air Navigation (Safety) Regulations.
8. Application of Instrument and Visual Flight Rules.

PART II**SUBSIDIARY LEGISLATION SAVED FROM
REPEAL**

1. The Air Navigation (Registration of Aircraft) Regulations.
2. The Air Navigation (No. 1) Order.
3. The Air Navigation (Aircraft Landing Fees) Regulations.
4. The Air Handling Act.

THE SECOND SCHEDULE

PENALTIES

- | | | |
|----|--|---|
| 1. | Offences under Sections 6 to 9 inclusive
13 to 19 ..
30. | Imprisonment
up to 1 year or
fine, or both. |
| 2. | Offences under Sections 10 to 12 inclusive
20 to 23 ..
31 to 35 ..
38 to 40
53
55
59 | Imprisonment
up to 6 months
or fine, or both. |
| 3. | Offences under Sections 36,
47 to 48 inclusive
60 to 64 .. | Imprisonment
up to 3 months
or fine, or both. |
| 4. | Offences under any Section of the Act not
specifically mentioned, or any breaches of
regulation, order or direction made under
the Act. | Imprisonment
to one month or
fine or both. |

THE REGISTRATION OF CIVIL AIRCRAFT REGULATIONS,^{*} 1961

(1961 L.R.O. No. 36)

In exercise of the powers conferred on him by Section 67 of the Air Act, 1960, The Minister of Communications hereby makes the following regulations :—

1. These regulations may be cited as the Registration of Title Civil Aircraft Regulations, 1961.

2. The Air Navigation (Registration of Aircraft) Regulations are hereby repealed, provided that all aircraft registered at the date of this repeal in the register established thereby shall be deemed to be validly registered in the register established under Section 6 of the Air Act, 1960 and these present regulations. Repeal

3. In these Regulations, unless the context otherwise requires :— Definitions.

- | | |
|-----------------------|---|
| “ The Act ” | means the Air Act 1960, |
| “ Company ” | includes corporation. |
| “ Prescribed ” | means prescribed by these regulations. |
| “ Registered Owner ” | means the person in whose name an aircraft is registered, and shall be deemed to include a charterer, and a hirer under a hire purchase agreement; and ownership has a similar meaning. |
| “ Sudanese National ” | includes a partnership or other unincorporated association the majority interest in which held by a Sudanese national or nationals. |
| “ Sudanese Company ” | means a company — |
| | (i) which is registered in the Sudan under the Companies Ordinance, and |
| | (ii) whose principal place of business is in the Sudan, and |

^{*} Legislative Supplement to the Republic of the Sudan Gazette, No. 961, 15 Aug. 1961, Suppl. No. 1 : General Legislation.

- (iii) at least 50 per cent of whose share capital is held by Sudanese nationals in beneficial ownership, and
- (iv) the Chairman of whose Board of Directors and whose Managing Director, if any, are Sudanese nationals.

Other words and phrases have the same meaning as in the Act.

QUALIFICATIONS FOR REGISTRATION OF CIVIL AIRCRAFT IN THE SUDAN

4. (1) The following aircraft shall be entitled to registration under Section 6 of the Act as Sudanese civil aircraft :

- (a) Civil aircraft owned by the Sudan Government.
- (b) Aircraft owned by one or more Sudanese nationals.
- (c) Aircraft owned by a Sudanese company.

(2) The Minister may in the exercise of his discretion register any of the following aircraft as Sudanese civil aircraft :—

- (a) Civil aircraft hired on hire purchase terms or chartered by any of the persons mentioned in the preceding subsection. Provided that such registration shall be cancelled, in the case of hire purchase if the hiring is terminated before completion of the purchase, and in the case of charter upon expiry of the charter period.
- (b) Civil aircraft which, or a majority interest in which, is owned by an alien or a non-Sudanese company, if such alien or company permanently resides in or has a place of business in the Sudan, as the case may be, Provided that an aircraft so registered shall not be used otherwise than for private purposes unless the Minister expressly authorises such other use.

5. Application for registration of a civil aircraft hereunder shall be made on the form prescribed in the Part I of the Schedule hereto, and shall be accompanied by evidence of the title of the applicant to the aircraft, whether as owner, hire-purchaser, or charterer.

Application
for Regist-
ration.

6. The Minister, if satisfied that an aircraft is entitled to registration under regulation 4 (1), or upon deciding to register an aircraft in the exercise of his discretion under regulation 4 (2), shall cause particulars of such aircraft (whether or not it is then in the Sudan) and of its owner to be entered upon the register, and a certificate of registration shall thereupon be issued to the applicant in the form prescribed in Part II of the Schedule.

Registration

7. The nationality and registration marks of a registered aircraft shall be those prescribed in Part III of the Schedule ; and the aircraft shall not bear any other marks of a like nature.

Nationality
and
Registration
Marks.

8. In the event of any change in the ownership of a registered aircraft, the change in ownership shall be notified forthwith to the Minister by the registered owner and the new owner and thereupon:—

Change of
Ownership.

(a) If notwithstanding the change of ownership the aircraft continues in the opinion of the Minister to be entitled to registration under regulation 4 (1), the Minister shall cause the registration and the certificate of registration to be amended accordingly.

(b) In any other case, the Minister shall cancel the registration (but without prejudice to an application by the new owner if eligible for re-registration of the aircraft) and the registered owner shall return the certificate of registration for cancellation.

9. In the event of any other change in the registered particulars of an aircraft, the change shall be notified forthwith to the Minister by the registered owner, and the Minister shall thereupon cause the register and the certificate of registration to be amended accordingly.

Notification
of Other
Changes in
Registered
particulars
of aircraft.

10. In the event of a registered aircraft being destroyed or permanently withdrawn from use, the destruction or withdrawal shall be notified forthwith to the Minister by the registered owner, and the Minister shall thereupon cause the registration to be cancelled, and the registered owner shall return the certificate of registration for cancellation.

Cancellation
of Regist-
ration on
Destruction
or Withdrawal
of Aircraft.

11. The register shall at all reasonable times be open for inspection by members of the public.

Right of
Public to
Inspect
Register.

12. A fee of LS. 5 — shall be payable for the registration of each aircraft.

Fees.

13. If any person:—

(a) uses or permits to be used a certificate of registration in respect of an aircraft other than the aircraft in respect of which it was issued, or

Offences and
Penalties.

(b) refuses or neglects to deliver up to the Minister, on being required so to do by notice in writing, a certificate of registration for amendment or cancellation hereunder, or

(c) commits a breach of any other of these regulations, he shall be guilty of an offence, and liable to the penalties provided in such case by the Act.

PART I
(REGULATION 5)

Not to be filled in by Applicant		
Registration No.	Fee Received	Regn. Mark

THE REPUBLIC OF THE SUDAN

**MINISTRY OF COMMUNICATIONS—DEPARTMENT OF CIVIL
AVIATION**

REGISTRATION OF CIVIL AIRCRAFT REGULATIONS, 1961
**APPLICATION FOR REGISTRATION OF
AIRCRAFT**

(1) The attention of all persons completing and signing this form is drawn to the importance of ensuring that the entries are correct. The making of a false statement for the purpose of procuring the issue of a certificate of registration is an offence.

Application
for Regis-
tration of
Aircraft.

(2) This form when completed, should be forwarded to the Director of Civil Aviation, Department of Civil Aviation, Ministry of Communications, P. O. Box 430, Khartoum, and must be accompanied by a fee of LS. 5.000 m/ms. This fee may be paid by cheque or postal order, which should be made payable to the Director of Civil Aviation, Department of Civil Aviation, Ministry of Communications.

1. Description of Aircraft (Name, Type, Series and Classification)	
2. Name and Address of Constructor	
3. Constructor's Serial Number	
4. Registration Mark if previously registered in the Republic of the Sudan.	

5. Registration Mark and Nationality if previously registered in any place outside The Republic of the Sudan.	
6. Name and permanent address of person in whose name aircraft is to be registered. (See Note 1).	
7. Is the person named in 6 above (a) the owner of the aircraft or (b) a charterer or (c) a hirer under a hire-purchase agreement?	
8. If the person named in 6 above is a charterer or a hirer under a hire purchase agreement, state the name and permanent address of the owner of the aircraft and the period of the charter or the hiring.	
9. In what capacity does the applicant claim registration of the aircraft? (See Note 2)	
10. Is an alien or non-Sudanese company entitled as owner to any interest or share (otherwise than as a member of a flying club) in the aircraft? If so, give particulars.	
11. If the aircraft is to be registered in the name of a company, state:— (a) whether the aircraft is owned wholly by that company; (b) where is its principal place of business; and (c) what is the address of its registered office?	(a) (b) (c)
12. If the applicant is an alien or non-Sudanese company residing or having place of business in	

in The Republic of the Sudan,
state the nationality of the ap-
plicant, and the address of his
residence or place of business in
The Republic of the Sudan.

I hereby declare that the foregoing particulars and answers
are true in every respect, and I apply for the aircraft to be
registered in The Republic of the Sudan.

Date Signature

(See Note 3)

NOTES

1. If the aircraft is owned by more than one person the names and addresses of all persons sharing the ownership should be given. In the case of an un-incorporated flying club the names and addresses of the Committee of Management or of other persons holding the assets should be given. In the case of a charter or hiring on hire-purchase the name and address of the charterer or hirer should be given.
2. For persons entitled or eligible to have aircraft registered in their name, see Regulation 4 of the Registration of Civil Aircraft Regulations, 1961.
3. The owner should sign personally; where more than one person is shown as owner (*see Note 1*) each person should sign. In the case of a company the, Secretary, Managing Director or other official duly authorised to sign should sign, stating the position he holds.

PART II

(REGULATION 6)

THE REPUBLIC OF THE SUDAN**MINISTRY OF COMMUNICATIONS -- DEPARTMENT OF
CIVIL AVIATION****CERTIFICATE OF REGISTRATION OF AIRCRAFT**

1. Nationality and Registration Mark	2. Manufacturer and Manufacturer's Designation of Aircraft	3. Aircraft Serial Number
---	--	------------------------------

4. Name and address of Owner, Charterer, or hirer, in whose name aircraft is registered.

5. It is hereby certified that the above described aircraft has been duly entered on the register in accordance with the Convention on International Civil Aviation dated 7th December, 1944 and with the Air Act, 1960 and the Registration of Civil Aircraft Regulations, 1961.

.....
by authority of the Minister of
Communications

Date of Issue.....

IMPORTANT**Please Read Carefully**

Sections I to IV below should be completed in the circumstances to which they are appropriate and this certificate then returned immediately to the Director of Civil Aviation, Department of Civil Aviation, Ministry of Communications, P. O. Box No. 430, Khartoum.

In a case to which Section II is appropriate the registration and certificate become void from the date of the change and the aircraft may not again be flown unless and until a new certificate of registration has been obtained.

Any application for re-registration of the aircraft in The Republic of the Sudan shall be made on C.A. Form 1 (61), copies of which may be obtained from the address quoted above.

This certificate must not on any change of ownership be handed over to the new owner.

Section 1. — Notice of Change of Ownership

(This Section must be used to give notice of any change in ownership. See Registration of Civil Aircraft Regulations, 1961, Regulation 8).

I hereby give notice that, with effect from the day of 19 the ownership of the aircraft described overleaf was transferred to

.

(Fill in name and address of the new owner)

Date

(Signature of the former owner)

Section II—Notice that Aircraft has ceased to be owned by Sudanese Nationals or a Sudanese Company.

I hereby give notice that, with effect from the.....
day of.....19.....the aircraft described overleaf ceased
to be owned wholly by Sudanese Nationals or a Sudanese Company,
by reason of
.....
.....
Date.....

.....
(Signature of former owner(s))

Section III—Notice that Aircraft has been Destroyed or Permanently withdrawn from use.

(See Registration of Civil Aircraft Regulations, 1961, Regulation 10).

I hereby give notice that the registration of the aircraft described overleaf should be cancelled by reason of :—

- (a) the aircraft having been destroyed
- (b) the aircraft having been permanently withdrawn from use.

NOTE :—Delete whichever is applicable.

Date.....

.....
(Signature of owner(s))*

Section IV—Notice of any other change affecting the Registration of the Aircraft.

(e.g., Transfer to the Register of some other State ; alien or non-Sudanese Company in whose name an aircraft is registered under the Registration of Civil Aircraft Regulations, 1961 ceasing to reside or have a place of business in The Republic of the Sudan ; or, if the aircraft is registered in the name of a charterer or hire-purchaser, termination of the charter or hire-purchase agreement).

I hereby give notice that the registration of the aircraft
described overleaf is affected by :

.....
.....
.....
.....

Date.....

.....

*(Signature of owner(s) **

* The signature required is that of the person(s) in whose name(s) the aircraft is registered. If that person is a company the signature shall be that of the Managing Director, Secretary or other official duly authorised to sign under seal of the Company.

PART III**(REGULATION 7)****NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT
REGISTERED IN THE REPUBLIC OF THE SUDAN**

1. The nationality mark of the aircraft shall be the capital letters "ST-" in Roman character, and the registration mark shall be a group of three capital letters in Roman character assigned by the Director of Civil Aviation on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

2. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner :-

1. Position of Marks

- (a) *Wings*: Except on aircraft having no fixed wing surface, the marks shall appear once on the upper surface of the wing structure and once on the lower surface of the wing structure. They shall be on the right half of the upper surface and on the left half of the lower surface of the wing structure unless they extend across the whole of both the upper and lower surfaces of the wing structure. So far as possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.
- (b) *Fuselage (or equivalent structure) or Vertical Tail Surface*: The marks shall also be either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces or on the upper halves of the vertical tail surfaces. When on a single vertical tail surface they shall be on both sides of the tail. When there is more than one vertical tail surface, the marks shall appear on the outboard sides of the outer tails.

II. Size of Marks

- (a) *Wings*: The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 20 inches.
- (b) *Fuselage (or equivalent structure) or Vertical Tail Surfaces*: The marks on the fuselage (or equivalent

structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces shall be such as to leave a margin of at least two inches along each side of the vertical tail surface. The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 6 inches.

III. Width and Spacing of Marks

- (a) The width of each letter (except the letter I) and the length of the hyphen between the nationality mark and the registration mark shall be two-thirds of the height of the letter.
 - (b) The letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting with the background on which they appear. The thickness of the lines shall be one-sixth of the height of the letter.
 - (c) Each letter shall be separated from the letter which it immediately precedes or follows by a space equal to half the width of a letter. A hyphen shall be regarded as a letter for this purpose.
3. The nationality and registration marks shall be kept clean and visible.
 4. The nationality and registration marks together with the name and address of the registered owner of the aircraft, shall also be engraved, in Arabic and English, on a fire-proof metal plate affixed in a prominent position to the fuselage near the main entrance to the aircraft.

Date.....

Minister of Communications

THE REGISTRATION OF CIVIL AIRCRAFT (AMENDMENT) REGULATIONS, 1962*

In exercise of the powers conferred on him by Section 67 of the Air Act, 1960, the Minister of Communications hereby makes the following Regulations :-

1. These Regulations may be cited as the Registration of Civil Aircraft (Amendment) Regulations, 1962, and shall come into force on the date of signature. Title.

2. The Registration of Civil Aircraft Regulations, 1962 are hereby amended by inserting, in Regulation 4 (2) the following paragraph after paragraph (b) :- Amend -
ment.

“(c) “ Civil aircraft of the United Nations Special Fund engaged in a project covered by an agreement with the Government. Provided that an aircraft so registered shall not be used otherwise than for that project, unless the Minister expressly authorizes such other use.”

* Legislative Supplement to the Republic of the Sudan Gazette, No. 974, 15 Aug. 1962, Suppl. No. 1 : General Legislation.

[15.8.1947]

THE AIR NAVIGATION (REGISTRATION OF AIRCRAFT)
REGULATIONS.

In exercise of the powers conferred on him by section 5 (2) of the Air Navigation Ordinance, the Civil Secretary with the consent of the Governor-General in Council hereby makes the following regulations.

Title and
commencement.

1. These regulations may be cited as the Air Navigation (Registration of Aircraft) Regulations and shall come into force on publication in the Gazette.

Establishment
of a register.

2. The Minister of Communications shall establish a Register of Sudan Aircraft and shall issue certificates of registration in respect of aircraft registered therein.

Application for
registration.

3. Application for the registration of aircraft shall be made to the Minister of Communications on the form authorized by him.

Conditions of
registration.

4. Registration shall not be granted unless the aircraft is owned by the Government, or by Sudanese, or by a company or corporation incorporated and registered and having its principal place of business in the Sudan: Provided that the Minister of Communications may refuse to register or may cancel the registration of an aircraft owned by a company or corporation, the effective control of which is or becomes vested in persons other than Sudanese.

Foreign
registered air-
craft not to
be registered.
Unregistered
aircraft not to
fly in or over
the Sudan.

5. No aircraft shall be registered which is already validly registered in some other country.

6. No aircraft shall fly in or over the Sudan unless it is duly registered in the register of the Sudan or of some other country.

Ownership of
aircraft to be
shown on
register.

7. The Register of Sudan Aircraft shall be kept so as to show the owner for the time being of each aircraft registered therein.

Change of
ownership to
be notified to
Minister of the
Interior.

8. In the event of any change in the ownership of a registered aircraft, the change in ownership shall be notified to the Minister of Communications by or on behalf of the registered owner and the Minister of Communications shall alter or (if the new owner is some person other than a person entitled to registration under regulation 4) cancel the registration and the certificate of registration accordingly.

Cancellation
of registration
on destruction
of aircraft.

9. In the event of a registered aircraft being destroyed or permanently withdrawn from use, the fact shall be notified to the Minister of Communications by or on behalf of the registered owner, and the Minister of Communications shall cancel the registration and the certificate of registration.

10. The Register shall at all reasonable times be open for inspection by the public.

Right of public to have access to Register.

11. Every Sudan registered aircraft shall bear the Sudan identification mark which shall consist of the capital letters S.N. in Roman characters.

Identification marks of Sudan Aircraft.

12. When an aircraft is registered, the Minister of Communications shall assign a registration mark consisting of a group of three capital letters in Roman characters which the aircraft shall bear immediately following the identification mark (*e.g.* S.N.—AAA).

Registration marks of Sudan Aircraft.

13. The identification and registration marks on aircraft shall be of such a colour in relation to the colour of the background on which they are painted as will render them clearly legible at a distance of not less than two hundred and fifty yards in a clear atmosphere and shall be painted once on the lower surface of the main planes and once on the upper surface of the main planes, the top of the letters to be towards the leading edge. In addition such marks shall also be painted along each side of the fuselage between the main planes and the tail planes.

Distinctive colours of identification and registration marks.

Title XVII

14. The height of the letters shall be—

Height of letters.

(a) on the main planes equal to four-fifths of the chord; and

(b) on the fuselage equal to four-fifths of the depth of the narrowest part of that portion of the fuselage on which the marks are painted.

Provided that no marks need exceed eight feet in height.

15. The width of the letters in a mark shall be two-thirds of their height, and the thickness shall be one-sixth of their height.

Width and thickness of letters

16. Letters in a mark shall be painted in block type and shall be uniform in shape and size.

Painting of letters.

17. A space equal to half the width of the letters shall be left between each letter.

Space between letters.

18. A hyphen of a length equal to the width of one of the letters shall be painted between the nationality mark and the registration mark.

Painting of hyphen between nationality and registration marks. Visibility of marks.

19. The identification and registration marks shall be displayed to the best possible advantage having regard to the constructional features of the aircraft. The marks shall be kept clean and visible.

Fixing of
metal plate
showing par-
ticulars of
aircraft.

20. Every aircraft shall carry fixed in a prominent position to the fuselage a metal plate inscribed with names and residence of the owner and the marks of identification and registration of the aircraft.

Fees.

21. A fee of £E. 1.000 shall be payable for registration of each aircraft.

[15.3. 1948]

THE AIR NAVIGATION (No. 1) ORDER

In exercise of the powers conferred by section 5 of the Air Navigation Ordinance, the Civil Secretary hereby makes the following order:—

Title and
commence-
ment.

1. This order may be cited as the Air Navigation (No. 1) Order and shall come into force on publication in the Gazette.

Cancellation.

2. *Cancellation of previous legislation.*

3. (1) Aircraft to which the ordinance applies shall upon entering or leaving the Sudan make first or last landings at Wadi Halfa, Khartoum, Juba, Port Sudan, Kassala, Gambeila or Geneina.

Provided that aircraft from Ethiopia en route to the Sudan which land at Gambeila shall also land at Malakal to undergo sanitary measures. And further provided that all aircraft flying from the Sudan en route to Egypt shall land at Khartoum or Port Sudan to undergo sanitary measures.

(2) Aircraft flying over the Sudan shall follow the following routes:—

(a) Aircraft flying through the Sudan on the main north south route shall follow the route Wadi Halfa—Station 6—Station 10—Abu Hamad—Atbara—thence along the River Nile to Khartoum—Kosti—Renk—Kaka—Malakal—thence along the Bor Road to Ayod—Kongor—Bor—Mongalla—Juba—Nimule.

(b) Aircraft flying between Khartoum and Geneina shall follow the route Khartoum—El Obeid—El Fasher—Geneina.

(c) Aircraft flying between Khartoum and Port Sudan shall follow the route Khartoum—along the River Nile to Atbara thence along the railway to Port Sudan.

(d) Aircraft flying between Khartoum and Kassala shall follow the direct route.

(e) Aircraft flying between Wadi Halfa and Port Sudan shall follow the route Wadi Halfa—Station 6—Station 10—Abu Hamad—Atbara—thence along the railway to Port Sudan.

(f) Aircraft flying between Kassala and Port Sudan shall follow the railway.

(g) Aircraft flying between Juba and Aba (Belgian Congo) shall follow the route Juba—Yei—Aba.

(h) Aircraft flying between Gambeila and Malakal shall follow the route Gambeila—Nasir—Abwong—Malakal.

Provided that multi-engined aircraft fitted with a serviceable two-way wireless telegraphy set and carrying an operator capable of working the set and carrying a qualified navigator may follow the direct route between any two places in the Sudan.

(3) Notwithstanding anything contained in this order the Minister of Communications may with regard to any particular flight or series of flights—

(a) direct or permit deviation from the routes laid down;

(b) absolve aircraft from landing at any aerodrome;

(c) direct that no landing shall be made at any aerodrome;

(d) direct that landings shall be made at any aerodrome.

THE AIR NAVIGATION (AIRCRAFT LANDING FEES) REGULATIONS [1.4.1948]

In exercise of the powers conferred on him by section 5 of the Air Navigation Ordinance, the Civil Secretary with the consent of the Governor-General in Council hereby makes the following regulations:—

1. These regulations may be cited as the Air Navigation (Aircraft Landing Fees) Regulations and shall come into force on 1st April, 1948.

2. *Cancellation of previous legislation.*

3. (1) All civil aircraft landing on Government main route aerodromes shall be charged fees in accordance with the following scale. Fees shall be assessed according to the maximum permissible weight authorised by the Certificate of Airworthiness.

Title and
commence-
ment.

Cancellation.

Scale of Fees.

<i>Weight not exceeding Lbs.</i>	<i>Single Landing Fees £F. m/ms.</i>
2,000.....	.500
4,000.....	1.000
6,000.....	1.500
7,000.....	1.750
10,000.....	2.500
15,000.....	3.500
20,000.....	4.000
25,000.....	5.000
30,000.....	6.000
40,000.....	8.000
50,000.....	10.000
60,000.....	12.000
70,000.....	14.000
80,000.....	16.000
Over 80,000 lbs. add for each additional 2,000 lbs. or part thereof.....	2.000

(2) Civil aircraft alighting at Government marine alighting areas shall be charged 50 per cent. of the above landing fees.

Test flights.

4. A landing fee will not be charged in respect of a test flight before the departure of an aircraft if such flight is undertaken solely for the purpose of testing the aircraft, engines or instruments on the aircraft and provided due notice is given of the intended test.

Exemption
from Landing
Fees.

5. (1) Exemption from Landing fees will be accorded to the following classes of aircraft :—

(a) Aircraft being used for Government ceremonial purposes.

(b) Aircraft entitled to diplomatic privileges.

(2) Notwithstanding anything contained in these regulations the Minister of Communications may with the consent of the Minister of Finance in special circumstances exempt an aircraft from the payment of the fees specified in regulation 3 hereof.

THE AIR HANDLERS ORDINANCE.

[15.6.1950]

An Ordinance to control Air Handlers.

BE IT HEREBY ENACTED in accordance with the provisions of the Executive Council and Legislative Assembly Ordinance 1948 as follows:—

Title.

1. This Ordinance may be cited as the Air Handlers Ordinance.

Definitions and
explanations.

2. In this ordinance unless the context otherwise require:—

"Aerodrome" means any definite and limited area of ground or water or any building, used or intended to be used either wholly or in part for the landing or departure of aircraft, or in connection therewith.

"Aircraft" includes all flying machines, aeroplanes, seaplanes, flying boats and other aircraft designed to be heavier than air; also all airships and balloons or other aircraft designed to be lighter than air.

"Air handling" includes the provision of all the services supplied to aircraft or the crew, passengers or cargo of aircraft except the services supplied in return for landing fees; and without prejudice to the generality of the foregoing includes in particular the services set out in the First Schedule hereto.

"Handle" means provide air handling services.

"Person" includes any company or association or body of persons corporate or unincorporate.

"Recognised air line" means any air line certified by the Minister of Communications to be such.

"Scheduled handler" means any person whose name appears in column I of the Second Schedule hereto.

3. Save as hereinafter provided, from and after the commencement of this ordinance no person except a scheduled handler shall engage in any form of air handling.

Air handling restricted to scheduled handlers.

4. A scheduled handler shall not handle aircraft at any aerodrome that does not appear opposite his name in column 2 of the Second Schedule.

Scheduled handlers restricted to certain aerodromes. Effects of ceasing to handle

5. (1) If a scheduled handler cease to handle aircraft or to handle any aircraft but his own at any aerodrome, that aerodrome shall be deleted from opposite his name in column 2 of the Second Schedule.

(2) If at any time no aerodrome appear in column 2 opposite the name of any particular handler, the name of such handler shall be deleted from the Schedule.

6. For the purpose of this ordinance a person ceases to handle aircraft when for three consecutive months he has ceased to provide a substantial part of the services set out in the First Schedule: Provided that at least one month's written notice expiring with or within such period of three months has been given by the Minister of Communications to the person to be affected thereby of the intention to delete the name of the aerodrome.

Meaning of "ceases to handle".

Exception in favour of recognised air lines handling their own aircraft.

Power to make orders.

7. Nothing in this ordinance shall affect the right of a recognised air line whether appearing in the Second Schedule or not to handle its own aircraft wholly or in part at any or all aerodromes.

8. The Minister of Communications may from time to time by order publish in the Gazette:—

(i) alter the First Schedule by addition, deletion or variation;

(ii) delete any aerodrome from column 2 of the Second Schedule in accordance with sections 5 (1) and 6;

(iii) delete the name of any scheduled handler in accordance with sections 5 (2) and 6;

(iv) make any addition or additions to columns 1 or 2 of the Second Schedule: provided that every order made under this sub-paragraph shall be laid upon the table of each House of Parliament.

Penalties.

9. Any person who handles aircraft except as provided by this ordinance shall be triable by a First Class Magistrate and be liable to a fine of £E. 50.

FIRST SCHEDULE

The following services are comprised in the term "air handling":—

i. Meeting aircraft and passengers and escorting passengers to Terminal Building, seeing them through Public Health, Customs and Immigration if necessary, and also this process in reverse.

ii. Arrangements for accommodation for passengers and crews, also transport of passengers, crews and baggage between airport and hotel.

iii. All catering arrangements.

iv. Cleaning of aircraft, emptying toilet, etc.

v. Provision of all equipment needed in aircraft such as blankets, paper bags, toilet fluid, water, food, etc.

vi. Making out aircraft load sheet and stowage of the disposable load in the aircraft.

vii. Making out aircraft's flight plan.

viii. All other documentation required for the flight, including passenger lists, general manifests, etc.

ix. Originating traffic signals to other Agencies and to the Operators' Office required.

x. Payment of all accounts on behalf of Operator including landing fees, hotel bills, etc.

xi. Arrangements if necessary for between-flight maintenance.

xii. Provision of all ground equipment required for the handling of the aircraft, such as steps, baggage trolleys, weighing machines, etc.

xiii. Ensuring in conjunction with aerodrome authorities that all arrangements have been made for reception of the aircraft, i.e., that Immigration and Customs Officers have been warned, Refuelling Company has made arrangements for refuelling, etc.

SECOND SCHEDULE

The persons whose names appear in Column 1 are entitled to handle aircraft at the aerodromes mentioned in Column 2 opposite them.

Column 1	Column 2 (main aerodrome at)
Air Handling and Booking Agency-----	Juba Khartoum Malakal Port Sudan Wadi Halfa
British Overseas Airways Corporation	Khartoum
Gellatly Hankey and Co. (Sudan) Ltd.	Port Sudan
Sudan Airways	Dongola El Fasher El Obeid Gambeila Geneina Juba Kassala Khartoum Malakal Merowe Wadi Halfa Wau
Stratis Trizis	Geneina
N.G. Teloniatis	Gambeila

SWEDEN

ROYAL DECREE NO. 557 ON MAKING EFFECTIVE THE LAW ON AVIATION OF JUNE 6, 1957, NO. 297¹

(Issued on November 24, 1961)

Whereas according to the law of July 28, 1958 (No. 437) on amendment of the provisions on the effect of the Law on Aviation of June 6, 1957 (No. 297), the provisions of Chapter 10, Article 3, and Chapter 15, Article 1, paragraph 1, of the Law of Aviation were made effective from January 1, 1959, and whereas according to Decree of October 28, 1960 (No. 573), Chapter 7, and Chapter 13, Article 7, paragraph 2, were made effective from December 1, 1960, the King in Cabinet, pursuant to the closing provisions of the Aviation Law, has found it reasonable to decree, that other parts of the Law on Aviation shall be effective from January 1, 1962.

The King in Cabinet prescribes, that Chapter 1, Article 4, Chapter 9, and Chapter 15, Article 1, shall apply in their original text, until the King in Cabinet makes another decision.²

LAW ON AVIATION OF JUNE 6, 1957, NO. 297.³

FIRST PART. CIVIL AVIATION

CHAPTER I

Introductory Provisions

Article 1. Within the Realm aviation may take place only with the restrictions and under the conditions specified in this law and the regulations enacted on the basis of this law or provided for otherwise by law or decree.

Article 2. Aviation may not be undertaken by aircraft other than those which have Swedish nationality, or the nationality of a foreign country, with which a treaty has been concluded granting the right of aviation within the Swedish territory.

If special circumstances exist, the King, or with the King's authorization the Aviation Board may permit aviation regardless of the provisions contained in paragraph 1 and establish the conditions for such aviation.

¹ Published in *Svensk författningssamling* (Official Gazette) of December 12, 1961, No. 557. For preliminary note see Denmark, *supra*, Chapter 1, Art. 4, Chapter 9, and Chapter 15, Art. 1, have been in effect since August 1, 1963. Ed.

² According to the Resolution of the Kingdom of June 28, 1963, No. 399, Chapter 1, Art. 4, Chapter 9, and Chapter 15, Art. 1, of the Law on Aviation of June 6, 1957, No. 297, as amended by Law of April 8, 1960, No. 69, has been effective from August 1, 1963. (*Svensk författningssamling* No. 399, 1963.)

³ Published in *Svensk författningssamling* of June 20, 1957, No. 297.

Article 3. The King may restrict or prohibit aviation in certain areas for military reasons or for reasons of public order and safety. Under the King's authorization the Aviation Board may restrict or for a period of not more than two weeks prohibit, aviation in certain areas for reasons of public order and safety.

Under extraordinary circumstances or if it is otherwise required for reasons of public safety, the King may temporarily restrict or prohibit aviation throughout the Realm.

Article 4. (as amended by Law of April 8, 1960, No. 69).⁴ This law shall apply to aviation by Swedish aircraft outside the territory of the Realm, unless otherwise provided for in this law, and provided this law is compatible with foreign laws which apply pursuant to an agreement or otherwise.

The provisions of Chapter 9 shall apply to aviation outside the territory of the Realm, even if the aircraft is not of Swedish nationality, to the extent that this ensues from a treaty with the foreign country or otherwise from general principles of law.

CHAPTER 2

Registration of Aircraft, Nationality and Markings

Article 1. A register for aircraft shall be kept by the Aviation Board (Aircraft Register).

Special enactments shall apply to recordation of rights in aircraft as well as certain international conditions concerning aircraft.

Article 2. An aircraft may be registered in this country only if the owner is the Swedish State, a Swedish municipality or such other public authority, a Swedish national or Swedish estate of a deceased person, or a Swedish company, association, other corporation, foundation or other such institution.

The King may permit that an aircraft which normally has its place of departure in this country, may be entered in the register regardless of the conditions specified in paragraph 1.

Article 3. An aircraft which is registered in a foreign country may not be registered in this country unless the foreign registration is cancelled.

Article 4. No aircraft may be registered unless it has a certificate of airworthiness granted or approved in this country.

Article 5. An application for registration of an aircraft shall be made in writing and contain data, necessary for the registration, on the aircraft, the owner and the acquisition of the aircraft by him. To the application there shall be attached a statement which proves that the applicant is the owner and that the conditions specified in Articles 2 to 4 have been fulfilled, and a document with the information when, where and by whom the aircraft was constructed.

Article 6. The register shall contain the nationality and registration markings of the aircraft, data necessary for its identification, data concerning the right of ownership, the acquisition of the aircraft by the owner and whether the aircraft is subject to a mortgage, a notice concerning the airworthiness certificate, as well as notification of the

⁴ *Svensk författningssamling* of April 25, 1960, No. 69.

date when the aircraft was registered, whether changes in the ownership were registered, when the aircraft was stricken from the register, and other data prescribed by the King or under the King's authorization by the Aviation Board.

Article 7. If there are any changes in the ownership of registered aircraft, or if the nationality of the owner changed, or if the aircraft, after the registration has undergone changes significant for its identification, the owner shall report these matters to the Aviation Board without delay for recordation of these changes in the register. In relation to changes in ownership the same duty shall be incumbent on the former owner.

If a new owner of an aircraft subject to mortgage is entered into the register, the Aviation Board must inform the recording judge.

If there is notification of a new owner of an aircraft, but the data do not correspond to his recordation in the register as an owner, his name, the acquisition of the aircraft as stated by him and the date of submission of the notification shall nevertheless be recorded in the register.

Article 8 (as amended by Law of December 4, 1959, No. 520).⁵ An aircraft shall be stricken from the register at the request of the owner.

The same provision shall apply when the conditions provided for in Article 2, paragraph 1 are no longer applicable and the King refuses, according to paragraph 2 of the same Article, to permit that the aircraft remain in the register, or when the permission granted by the King in accordance with the provisions mentioned above has been revoked or become invalid because the conditions prescribed in the permission are no longer fulfilled, or if the aircraft is lost, dismantled or otherwise damaged, or when three months have passed after take-off on the last flight of the aircraft and no information on it is available. When such circumstances occur, the owner shall report them [to the Aviation Board] for recordation without delay, unless the report was submitted in accordance with Article 7.

If the aircraft has not had a valid airworthiness certificate during a period of three years, it may be stricken from the register if the owner fails to prove within the time limit fixed by the Aviation Board that the aircraft is airworthy.

Article 9. If the aircraft is subject to a mortgage it may not be stricken from the register at the request of the owner or on the basis of other circumstances mentioned in Article 8, unless a certificate of the competent court was submitted that the deed was presented to the court and the mortgagee gave his consent to the striking of the aircraft from the register; nevertheless, a notation shall be made in the register concerning the acts performed.

The competent court shall be informed without delay on the striking of an aircraft from the register or notations made in accordance with paragraph 1.

Article 10. If an aircraft is purchased without the transfer of the title of property, the name of the possessor and his rights to the aircraft shall be noted in the register. Both parties who conclude such contract shall be responsible for submitting appropriate information to the Aviation Board.

⁵ *Svensk författningssamling* of December 10, 1959, No. 520.

If an aircraft is chartered to another person for use in his own account for an indefinite time or for at least two weeks, a notation shall be made in the register at the request of the possessor or user.

Article 11. If an aircraft was constructed in a foreign country on Swedish account or the right of property on it passed to a Swedish owner, and the conditions of Articles 2 and 3 are fulfilled, the aircraft may be entered into the appendix of the Aviation Register for a specified time in accordance with special regulations issued by the King.

Nationality

Article 12. When an aircraft is registered, it shall have Swedish nationality. The Aviation Board shall grant a registration certificate (nationality and registration certificate).

Article 13. If an aircraft is stricken from the register or if a notation is made according to Article 9, the owner or, if the aircraft must be stricken from the register because of transition to an owner in foreign country, the former owner, shall return the nationality and registration certificates to the Aviation Board without delay. If other changes are made in the register on facts entered in the certificate, the owner of the aircraft shall return the certificate to the Aviation Board without delay for entry of changes in the certificate or, if deemed more suitable, for replacement by a new one.

Article 14. When an aircraft is registered in the appendix of the aviation register, it shall have Swedish nationality as long as the registration is valid.

For aircraft registered in the appendix the Aviation Board shall grant temporary nationality and registration certificates.

Article 15. A Swedish aircraft in active operation shall have the Swedish nationality and registration certificates.

For flights in Swedish territory a foreign aircraft shall have the corresponding certificates granted by a foreign country which has a treaty with Sweden establishing the right to make such flights.

Regulations issued by the King, or under the King's authority by the Aviation Board, shall apply to any aircraft granted a special license under Chapter 1, Article 2, paragraph 2.

Markings

Article 16. Any aircraft entered in the aviation register or in the appendix thereof must bear nationality and registration markings in accordance with its nationality and registration certificates. The aircraft shall bear those markings as long as it is registered in the register of the appendix thereof.

Aircraft registered in a foreign country which has a treaty with Sweden granting the right to make flights within Swedish territory must, in making such flights, be marked in accordance with the regulations of its home country.

Aircraft provided with a special license in accordance with Chapter 1, Article 2, paragraph 2, shall bear markings in accordance with the regulations issued by the King, or under the King's authorization, by the Aviation Board.

CHAPTER 3

Airworthiness

Article 1. Aircraft in active operation must be airworthy.

An aircraft may not be considered airworthy unless it is so designed, built, equipped and maintained, and has such flying qualities that it complies with the standards of safety.

Article 2. Aircraft shall be subject to inspection according to the rules issued by the King, or under the King's authorization by the Aviation Board and in general, insofar as airworthiness is concerned, shall be under the supervision of the Aviation Board.

Pursuant to regulations issued by the King the inspection and supervision may be entrusted by the Aviation Board to special experts or an authority within or outside the Realm.

Article 3. If, by inspection or otherwise, the airworthiness of an aircraft is established, a certificate of airworthiness shall be granted by the Aviation Board (airworthiness certificate). The certificate may be granted for a specified period of time or may be limited to flights of a specified nature or to flights in specified areas. The King, or under the King's authorization, the Aviation Board, may determine that the certificate or a special document which must accompany the certificate, must contain instructions on the use of aircraft which must be observed in order to have the aircraft considered airworthy.

The certificate may be renewed if the aircraft is considered airworthy according to requirements in force at the time of renewal. The Aviation Board may delegate the renewal of the airworthiness certificate to an expert or agency mentioned in Article 2, paragraph 2.

Article 4. Swedish aircraft in active operations must be provided with a Swedish or foreign airworthiness certificate approved by the Aviation Board.

For flights in Sweden foreign aircraft must be provided with the certificate, specified in paragraph 1, or an airworthiness certificate granted or approved in a foreign State which has an agreement with Sweden for the recognition of such certificates in Sweden.

In accordance with the stipulations of the King the Aviation Board may permit that an aircraft may be operated regardless of the provisions contained in paragraphs 1 and 2.

Article 5. If not otherwise provided for by the Aviation Board an airworthiness certificate granted in this country shall not be effective when the aircraft has not been inspected, or when the aircraft or its equipment has been altered and the alteration affects its airworthiness, until such aircraft is declared airworthy. The same shall apply, if the aircraft or its equipment has sustained damage which evidently affects its airworthiness, and the damage is not repaired as prescribed by the Aviation Board.

The Aviation Board may declare the certificate invalid until the aircraft is declared airworthy, when there are other facts which may effect the airworthiness of the aircraft.

When an airworthiness certificate is declared invalid, the Aviation Board may require its immediate return.

Article 6. The provisions of Article 3 and 5 on Swedish airworthiness certificates shall apply correspondingly to approval as well as renewal and invalidation of foreign airworthiness certificates.

Article 7. The owner or user of an aircraft in active operation shall be responsible for its airworthiness, and pursuant to instructions issued by the Aviation Board shall notify the Board of circumstances which might effect the airworthiness, as well as submit other necessary information to the Board.

Article 8. The Aviation Board, as well as the experts or authorities, mentioned in Article 2, paragraph 2, shall have access to any aircraft for the performance of their functions in accordance with this Chapter and may require that the owner or user, as well as the commander and crew of the aircraft, furnish the necessary cooperation. The functions shall be carried out as far as possible without causing disadvantages in traffic or creating inconveniences other than those which are unavoidable.

Article 9. In order to test the qualities of an aircraft or for other special reasons, the King, or under the King's authorization the Aviation Board, may permit the operation of an aircraft regardless of the provisions mentioned above in this Chapter.

Article 10. The King may provide, if required for reasons of safety, that for the construction of an aircraft, or performance of maintenance, repair and alteration work, a licence granted by the King, or under the King's authorization by the Aviation Board, shall be necessary. The same shall apply relating to accessories and spare parts.

CHAPTER 4

The Crew of the Aircraft

Article 1. Aircraft must be adequately manned.

The King, or under the King's authorization the Aviation Board, shall issue detailed regulations on the crew.

The owner or user of an aircraft shall be responsible for the adequate manning of the aircraft.

Article 2. The manning shall be subject to supervision of the Aviation Board.

According to the stipulations of the King the Aviation Board may authorize special experts or authorities within or outside the Realm to assist in the supervisory activities.

Article 3. A member of the crew of an aircraft must meet the requirements issued by the King or, under the King's authorization by the Aviation Board, regarding nationality, age, skilfulness, fitness and general conditions of competence for service on an aircraft.

Article 4. Persons who fulfill the requirements established for the service of commander or any other service on an aircraft as determined by the King, shall be granted a certificate (pilot certificate). The certificate shall be granted for a specified time. It may be limited to specified types of aircraft, to specified types of flight, or to flights in specified areas.

The pilot certificate may be renewed provided the holder of the certificate fulfills the conditions in force at the time of renewal.

Article 5. A person serving on an aircraft in a position mentioned in Article 4 must be granted a Swedish pilot certificate, or foreign certificate approved by the Aviation Board, or a certificate granted or approved by a foreign country which has an agreement with

Sweden by which such certificate is recognized in Sweden. A person serving on a Swedish aircraft in international aviation must be provided with a Swedish certificate or with a foreign certificate approved by the Aviation Board.

If there are reasons therefore the Aviation Board may determine that a certificate granted to a Swedish national by a foreign country shall not be approved for aviation within Swedish territory.

In accordance with the stipulations of the King the Aviation Board may grant a license for performance of service on aircraft regardless of the provisions contained in the first paragraph, first sentence.

Article 6. The Aviation Board may revoke a Swedish certificate for a definite period, until further notice, or for the remainder of the time of validity, if the holder has committed offences in the services, or offences of significance to the service, or if he otherwise fails to meet the requirements of performance in the service.

If there are reasons to assume the existence of facts mentioned in paragraph 1, the Aviation Board may immediately suspend the certificate until the case has been decided.

When a certificate has been revoked or suspended it shall be returned to the Aviation Board without delay.

Article 7. The provisions of Articles 4 and 6 on Swedish pilot certificates shall be applied correspondingly to the approval of foreign pilot certificates as well as to renewal and revocation of such approval.

Article 8. The King, or under the King's authorization the Aviation Board, shall issue regulations relating to the obligation of the holder of a certificate to inform on circumstances material to his competence, as well as to his submitting to an investigation or examination.

Article 9. The King, or under the King's authorization the Aviation Board may permit an aircraft to be used for training or other special purposes, regardless of the provisions contained in this Chapter.

CHAPTER 5

Aircraft Commander and Flight Personnel

Article 1. A Swedish aircraft in active operation must have a commander.

The commander shall be the highest authority aboard the aircraft.

Article 2. The commander shall see that the aircraft is airworthy and adequately equipped, manned and loaded and that the flight in general is prepared and carried out in accordance with the regulations.

The provisions of Chapter 3, Article 7, on notification of circumstances which might affect the airworthiness, as well as on providing other necessary information to the supervising authority, shall apply correspondingly to the commander.

Article 3. The aircraft, crew, passengers and cargo shall be subject to supervision of the commander.

If deemed necessary, the commander may temporarily assign members of the crew to duties other than their normal responsibilities. The passengers must follow strictly the directions of the commander for the maintenance of order aboard the aircraft.

If the circumstances require it the commander may refuse to take aboard and may remove from the aircraft members of the crew, passengers and goods.

Article 4. For the maintenance of order and safety aboard the commander may use force if deemed necessary under the circumstances.

If an aircraft is in danger or an emergency exists the commander shall be entitled to use all means which are deemed necessary for the restoration of order and safety. In this case each member of the crew, without any order, must assist the commander.

If force is used beyond permissible limits the provisions of law applicable to such cases shall apply.

Article 5. If a serious crime is committed aboard an aircraft the commander, as far as possible, shall take all necessary measures for clearing up the case if postponement of such measures would be detrimental.

The commander shall exercise due diligence in preventing the offender from escaping and he shall have the right to take the offender into custody until he can be handed over to the Swedish police, or outside this country, to a similar foreign authority, or, if there are no objections to a Swedish consul.

The commander may take in custody items of evidence which are considered essential for clearing up the case, until such evidence may be handed over to the police or the authority mentioned in paragraph 2.

Article 6. The commander shall see that the prescribed aircraft documents are aboard and duly kept.

Article 7. In the case of emergency it shall be the responsibility of the commander to take all measures in his power to rescue the people aboard, and save the aircraft and cargo. If the aircraft must be abandoned the commander shall take all possible measures to preserve the aircraft documents.

Article 8. It shall be the responsibility of the commander to inform the Aviation Board and, as soon as possible, submit a report on those cases of air accidents which result in death or grave bodily injury to persons, or in serious damage to the aircraft or to property which was not transported by the aircraft. This shall also apply when there was a serious threat to the safety of the aircraft or to an essential defect in the aircraft or in the ground service.

If the commander is not in a position to fulfill his duties as provided for in the first paragraph, these duties shall be fulfilled by the owner or user of the aircraft.

The King, or under the King's authorization the Aviation Board, may limit the responsibilities for submitting this information, or extend this responsibility to other members of the crew, or prescribe that the information shall be submitted also to authorities other than the Aviation Board.

Article 9. Any person who serves on an aircraft must obey the orders of his superior, look after the safety and welfare of the persons aboard, carefully protect the aircraft and in general, perform his duties with care and efficiency.

Article 10. No person may perform any service on an aircraft when he is under influence of alcohol or narcotics or, because of illness, weakness or similar reasons, is unable to perform his duties in satisfactory manner.

Article 11. The King stipulates to what extent the provisions of this Chapter shall apply to foreign aircraft within Swedish territory.

CHAPTER 6

Airdromes and Ground Service in General

General Provisions

Article 1. The airdromes and other aviation installations must conform to safety requirements.

The King, under the King's authorization the Aviation Board, enacts regulations on establishment, maintenance, and operation and supervision of such installations.

The King or, under the King's authorization, the Aviation Board may stipulate how, and under which conditions, the sea or other areas even though not established for such purpose may be used without intrusion into private rights, for the emergency landing and take-off of an aircraft.

Article 2. The King may determine air routes and other areas where the aviation is subject to special regulations.

Article 3. For safety and rescue purposes a safety service shall be established.

Licenses in Certain Cases

Article 4. For the establishment and operation of an airdrome for public use (public airdrome) a license granted by the King shall be required, if the airdrome is run by other than the State.

The King may stipulate that a public airdrome may be established and operated without a license taking into account small dimensions or short duration of the traffic or any other circumstances.

Article 5. A license for the establishment and operation of an airdrome may be granted only when this is compatible with public interest.

Article 6. In granting a license the conditions which are deemed necessary shall be specified. The King may direct the Aviation Board to specify conditions in special circumstances.

The license may be granted for a specified period and the right of redemption shall be reserved to the State.

Article 7. The King may revoke the license when the holder of the license essentially disregards the regulations, or when it may be assumed that he is unable to duly fulfill his duties relating to installation and their operation.

Article 8. The King may decide that a license granted by the King, or under the King's authorization by the Aviation Board, shall be required for establishment and operation of aviation installations other than public airdromes.

The conditions shall be determined by the King, or under the King's authorization by the Aviation Board.

Approval

Article 9. A public airdrome, as well as any other aviation installation as determined by the King, must be approved in an order issued

by the King, prior to beginning operations. To the approval shall be attached necessary conditions.

The authority which granted the approval may revoke it, when the conditions specified are essentially disregarded, or when the installations, because of new regulations or other circumstances, no longer comply with the requirements for such installations.

The owner shall inform the Aviation Board as soon as possible if events occur which might cause the requirements for approval to be no longer fulfilled. If the circumstances are of a nature which may make the use of an installation or a part of it dangerous, the owner must take the necessary measures to prevent operation of the installation or a part thereof without waiting for a decision of the competent authority.

Obstructions to Aviation and Expropriation

Article 10. The Law on Construction shall apply to prevent any construction which may represent an obstruction to aviation.

For the advancement of public communication the Law on Expropriation shall apply to expropriation of real property or special rights in real estate.

Article 11. The King, or under the King's authority the Aviation Board, issues regulations which, without causing serious disadvantages to the landowners, or to persons who have special rights in land, are suitable to prevent the erection of signs or lights, or other structures in such a manner as to jeopardize the traffic safety. The King stipulates which measures shall be taken when these regulations are not observed.

Other Provisions

Article 12. The King, or under the King's authorization the Aviation Board, may issue regulations on airdromes which may be used for international or domestic aviation or for aviation of a special kind.

Article 13. For the use of a public airdrome or other aviation installations in public use the fees determined by the King may be collected.

If the date for payment has passed the charges may be collected by distraint without a prior court decision.

Article 14. Public airdromes as well as other aviation installations for public use shall be open to foreign aircraft in international aviation under the same conditions as for Swedish aircraft in such aviation, insofar they belong to a country with whom an agreement granting such privilege has been concluded.

Article 15. The King, or under the King's authorization the Aviation Board, determines the conditions for employment in the ground service or other employment outside an aircraft in positions which are of importance to flight safety, and issues regulations on the granting certificates for such employment.

Article 16. The provisions of Chapter 5, Article 10, shall apply to traffic controllers and engineers in the ground service, as well as to persons who perform other services which, as determined by the King, are connected with flight safety.

CHAPTER 7

Licenses for Air Traffic

Article 1. Scheduled commercial air traffic (scheduled service) may not be carried out in this country without a license granted by the King.

For other than scheduled commercial flights within Swedish territory, a license granted by the King, or under the King's authorization by the Aviation Board, shall be required. The King may determine that such flights may be made without a license, taking into account the nature of such flights or their small extent.

The King may determine that a license granted by the Aviation Board shall be required for an aviation school, air exhibition or competitive flights, as well as for other flight activities of a special nature, even if not operated for commercial purposes.

Article 2. A license may be granted only if it is compatible with the public interest

Article 3. For transportation of passengers or cargo from one place to another within the Realm or for any other domestic flights a license may be granted only to the Swedish State, to Swedish municipalities or to other such communities, Swedish nationals or Swedish estates of deceased persons, Swedish joint stock companies with registered shares, Swedish commercial partnerships, provided there are no foreign partners, as well as to associations, other corporations, foundations or other such institutions in this country, the board members of which are Swedish nationals. A license may be granted to a joint stock company only if at least two thirds of the share capital and at least two-thirds of the votes [in the general assembly of the company] are owned [by a person or company] to whom the license may be granted in accordance with this Article; if the share capital and votes, as mentioned above, are owned by a Swedish joint stock company, the Swedish interest in this company shall be equal to that of the company applying for the license.

A license shall be revoked when the holder of the license no longer conforms to the provisions of the first paragraph and has not corrected the defects within the time specified by the authority which granted the license.

In exceptional cases the King may make exceptions from the provisions of this Article.

Article 4. In granting the license conditions which are deemed necessary shall be specified. If the license is granted by the King, the King may determine that in special cases the Aviation Board specifies the conditions.

A license may be granted for a limited period and the right of redemption shall be reserved to the State.

Article 5. The authority which granted the license may revoke it when the holder essentially disregards the regulations, or when it may be assumed that he is unable duly to maintain the activities.

Article 6. No license shall be required when the King, by an agreement with a foreign power, has permitted aviation within the Swedish territory and if the King so stipulates. In this case the King may order the Aviation Board to issue the necessary instructions.

Article 7. The King, or under the King's authorization the Aviation Board, may stipulate under which conditions an aircraft, or its accessories, or spare parts, may be transferred to another person for use to his account.

CHAPTER 8

Certain Provisions in Air Traffic

Article 1. The King, or under the King's authorization the Aviation Board, issues regulations which must be observed during flight in order to prevent collisions between aircraft or other flight accidents and, in general, concerning safety measures to prevent accidents and inconvenience during flight.

Article 2. The King, or under the King's authorization the Aviation Board, may determine the air routes which aircraft must follow in flight within Swedish territory, issue special regulations on flight over the boundaries of the State, and indicate where the boundaries may be crossed and which airdromes may be used for take-off and landing.

Article 3. For reasons of public order and security the landing of an aircraft may be ordered. Such order shall be obeyed without delay. If no other direction is given, the aircraft must land at the nearest public airdrome where landing is possible. If an aircraft enters a territory where flights according to provisions of Chapter 1, Article 3, are prohibited it must leave the territory without delay, and notification of this action shall be made immediately. If no other direction is given, the aircraft must land as provided for above and as soon as possible.

If the provisions of the previous paragraph are not complied with, the continuation of the flight may be prevented by all suitable means.

The King or [the person or authority] authorized by the King determines who shall implement the provisions of the first and second paragraphs, and issue regulations on implementation of these provisions in general.

Article 4. Without permission granted by the King or by [the person or authority] authorized by the King, aircraft may not carry war material. The King determines what shall be included under war material according to this law.

The King or [the person or authority] authorized by the King may prohibit the carriage by aircraft of goods other than war material, or issue regulations on such carriage.

The King or [the person or authority] authorized by the King determines how and under which conditions cameras may be carried and used aboard an aircraft in flights within Swedish territory.

Article 5. If not otherwise provided for by this law or other laws and regulations, the King, or under the King's authorization the Aviation Board, determines which aircraft documents an aircraft must have, to what extent they shall be available on board, and how they shall be established, kept and maintained.

Article 6. No person may be refused examination of the contents of aircraft documents if he has legal interest therein.

Article 7. The King, or under the King's authorization the Aviation Board, determines the extent to which persons serving on aircraft shall carry with them certificates and other documents.

Article 8. The Aviation Board if deemed necessary, may search an aircraft and check the aircraft documents and certificates and other documents the persons performing service on aircraft must carry aboard.

Article 9. Special provisions shall apply with regard to sanitation problems on aircraft, passport, customs and other matters.

CHAPTER 9

Air Transportation

(As amended by Law No. 69 of April 8, 1960)⁶

Scope of Application

Article 1. The provisions of this Chapter shall apply to transportation of passengers, baggage and goods if the transportation is carried out for payment, or by an air transportation enterprise without charge.

The Warsaw Convention in the sense of this law, is the Convention for the Unification of Certain Rules Relating to International Transportation by Air signed at Warsaw on October 12, 1929, and the Protocol signed at The Hague on September 28, 1929.

Article 2. The provisions of this Chapter shall not apply to the transportation of mail.

The provisions of Articles 3 to 9 shall not apply if the transportation is carried out under unusual circumstances and outside the scope of normal air operations.

Documents of Air Transportation

Article 3. In passenger transportation a ticket shall be issued and shall state:

- a) the place of departure and destination;
- b) at least one intermediate landing point if the places of departure and destination are in the same state and one or more intermediate landings on another state are scheduled; and
- c) a notice that the transportation may be subject to the Warsaw Convention, or to a law which is in conformity with the limits provided for in the Convention as to liability of the carrier for personal injury or loss of, or damage to the baggage.

Unless otherwise established the ticket shall be the evidence of a transportation contract and of the terms of transportation.

If no ticket is issued, or if its contents do not comply with the regulations, or if the ticket is lost, the transportation contract shall still be valid, and shall remain subject to provisions of this Chapter. However, if the passenger boards the aircraft with the consent of the carrier and no ticket was issued, or if the ticket does not include the notice provided for in the first paragraph (c), the carrier may not avail itself of the provisions of Article 22 on the limitation of liability.

Article 4. In the transportation of registered baggage a baggage check shall be issued. If the baggage check is not attached to, or in-

⁶ *Svensk författningssamling* of April 25, 1960, No. 69.

serted with the passenger ticket conforming to the provisions of Article 3, first paragraph, it shall state:

- a) the place of departure and destination;
- b) at least one intermediate landing point if the places of departure and destination are in the same State, and one or more intermediate landings in another State are scheduled; and
- c) a notice that the transportation may be subject to the Warsaw Convention or to a law which is in conformity with the limits provided for in the Convention as to the liability of the carrier for loss of, or damage to the baggage.

Unless otherwise established, the baggage check shall be the document of registration of the baggage and of the terms of transportation.

If no baggage check is issued, or its contents do not comply with the regulations, or if the check is lost, the transportation contract shall still be valid and shall remain subject to the provisions of this Chapter. However, the carrier shall not be entitled to avail itself of the provisions of Article 22, second paragraph, on the limitations of liability if he has accepted the baggage for which the baggage check was not issued, or if the check does not contain the notice provided for in the first paragraph, (c), and the check is not attached to, or inserted with the passenger tickets conforming to the provisions of Article 3, first paragraph (c).

Article 5. In the transportation of goods the carrier may require from the shipper a transportation document, referred to as a bill of lading. The shipper may require that the carrier accepts this document.

If the bill of lading is not executed, or if its contents do not comply with the regulations, or if the bill is lost, the transportation contract shall be still valid, and, with the exceptions provided for in Article 9 shall be subject to the provisions of this Chapter.

Article 6. The bill of lading shall be executed by the shipper in three original copies and shall be delivered to the carrier along with the goods. The first copy shall be marked "for the carrier" and signed by the shipper. The second copy shall be marked "for the consignee"; this copy shall be signed by the shipper and carrier and shall accompany the goods. The third copy shall be signed by the carrier and be delivered to the shipper after acceptance of the goods.

The bill of lading shall bear the signature of the carrier before the goods are placed on board the aircraft; the signature may be replaced by a stamp. The signature of the shipper may be printed or replaced by a stamp.

If the carrier has executed the bill of lading at the request of the shipper he shall be considered acting on behalf of the shipper unless there is proof to the contrary.

Article 7. If there are several parcels, the carrier may require the shipper to execute a separate bill of lading for each parcel.

Article 8. The bill of lading shall state:

- a) the place of departure and destination;
- b) at least one intermediate landing point if the places of departure and destination are in the same State and one or more intermediate landings in another State, are scheduled; and
- c) a notice that the transportation may be subject to the Warsaw Convention or to a law which is in conformity with the pro-

visions of the Convention as to the limits of liability by the carrier for loss of, or damage to the goods.

Article 9. The carrier may not avail itself of the provisions of Article 22, second paragraph, on the limitation of liability, if the goods are loaded on the aircraft with the consent of the carrier without executing a bill of lading, or if the bill of lading does not contain the notice pursuant to Article 8(c).

Article 10. The shipper shall be liable to the carrier, or to any other person to whom the carrier is liable, for damages sustained as a result of the shipper's declaration concerning goods in the bill of lading, when the declaration does not conform to the regulations, or in general, is incorrect or incomplete.

Article 11. Unless otherwise established, the bill of lading shall be evidence of the transportation contract, of receipt of the goods, and of the terms of transportation.

The statement of the bill of lading with respect to weight, dimensions, packaging and number of articles shall be used as evidence. Other statements in the bill of lading with respect to quantity and cubic content, as well as statement on the condition of the goods may not be used as evidence against the carrier, unless the carrier has examined the correctness of the statement in the presence of the skipper and has made a notation thereof on the bill of lading, or if the statement refers to the visible condition of the goods.

The Right of Disposal and Delivery of Goods

Article 12. If the shipper fulfills his responsibility pursuant to the transportation contract he shall have the right to dispose of the goods, when it does not cause damage to the carrier or other shippers; he may take them back at the place of departure or destination, or stop the transportation at the place of landing en route, or demand delivery of the goods at the place of destination or landing en route to a consignee other than that indicated in the bill of lading, or demand return of the goods to the place of departure. The shipper must pay the necessary expenses which accrue from such action. The carrier must immediately inform the shipper if the orders of the shipper cannot be fulfilled.

If the carrier executes the orders of the shipper without demanding a copy of the bill of lading, the carrier shall be liable for any damage which might result to the true holder of the bill of lading, however, with a right of recourse against the shipper.

The rights of the shipper shall terminate when the consignee assumes his rights according to Article 13. If the consignee refuses to accept the bill of lading or the goods, or if he cannot be reached, the right to dispose of the goods shall revert to the shipper.

Article 13. When the goods have arrived at the place of destination, the consignee may demand, except under the conditions indicated in Article 12, that the carrier deliver the bill of lading and the goods to him on payment of the amount owed and fulfillment of other conditions in accordance with the terms of the bill of lading.

Unless otherwise agreed, the carrier shall immediately inform the consignee when the goods have arrived.

Article 14. If the carrier gives notice that the goods are lost, or if the goods do not arrive within seven days after the day they should have arrived, the consignee may bring an action on his rights against the carrier in accordance with the transportation contract.

Article 15. A reservation which contains exceptions from the provisions of Articles 12, 13, and 14, shall be invalid unless the exceptions are included in the bill of lading.

Article 16. The shipper shall furnish information and attach to the bill of lading documents required by customs, excise and police regulations which must be fulfilled prior to delivery of goods to the consignee. The shipper shall be liable to the carrier for damages which might result from the lack of such information or documents, or if they are incorrect or incomplete, unless the carrier or his agents are guilty of errors or negligence.

The carrier shall not be obliged to check whether the information furnished or the documents attached are correct and complete.

Liability of a Carrier

Article 17. Unless otherwise provided for in this Chapter, the carrier shall be liable for personal injury of passengers resulting from an accident on board an aircraft, or while enplaning or leaving the aircraft. The damages shall be determined according to principles of the criminal law.

Article 18. With the exceptions provided for in this Chapter, a carrier shall be liable for loss and decrease of, or damage to registered baggage or goods as a result of an accident occurring while such baggage or goods were under its care whether at an airdrome, on board an aircraft, or during an emergency landing outside the airdrome.

If, according to the transportation contract, the transportation is also performed on land or water areas outside the airdrome with loading, delivery or re-loading, the damage to baggage and goods shall be considered as having occurred during the period mentioned in paragraph 1, unless the carrier submits evidence to the contrary.

Article 19. Unless otherwise provided for in this Chapter, the carrier shall be liable for damages resulting from a delay in the transportation of passengers, registered baggage or goods.

Article 20. A carrier shall not be liable if it establishes that it or its employees have taken all possible action to avoid the damage or that it was impossible for them to do so.

Article 21. If the carrier proves that the person who sustained the injury himself was guilty of causing it, its liability shall be adjusted as is considered reasonable.

Article 22. The liability of a carrier in the transportation of passengers shall be limited to 85,800 crowns per person; and when the compensation is paid in the form of annuities the liability of the carrier may not exceed this limit. By special agreement between carrier and passenger a higher limit of liability may be established.

In the transportation of registered baggage or goods there shall be a limit on liability to the amount of 86 crowns per kilogram weight. If on delivery of baggage or goods to the carrier the passenger or shipper declares a special value connected with the transportation, and he has paid the specified additional freight charge, the declared

value shall be the limit of liability of the carrier, unless the carrier proves that the true value to the passenger or shipper is lower. When there is a loss, decrease, damage or delay of delivery of a part of registered baggage or goods, or of an article they contain, the total weight of the parcel in question shall be taken as a basis to determine the extent of liability; however, if the loss, decrease, damage or delay reduces the value of other parcels which are included on the same baggage check or bill of lading the total weight of these parcels shall be taken into account to determine the extent of liability.

For objects retained by the passenger, the limit of the liability of the carrier shall be the amount of 1720 crowns per passenger.

In court actions costs shall be allowed to the plaintiff without the limitations mentioned in this Article notwithstanding the fact that the liability may be increased thereby. This provision shall not apply where the judgment, exclusive of costs, does not exceed the amount offered by the carrier in writing to the plaintiff within six months after the damage occurred or prior to the commencement of an action.

If the gold value of the crown changes from the value submitted to the International Monetary Fund at the time of the enactment of this law, the limit of liability shall be fixed in accordance with the new gold value. The new limits of liability shall be publicly announced by the King. In court actions the gold value on the day judgment is rendered shall be effective.

Article 23. Any condition exempting the carrier from liability or setting a lower liability than that provided for in Article 22 shall be invalid.

In transportation of goods the provisions of the first paragraph shall not apply relating to loss, decrease, or damage of goods which was caused by their own quality or inherent defects.

Article 24. Upon proof that the carrier or its employees caused the damage intentionally or by gross negligence with the knowledge that the occurrence or damage was likely, the limitations of liability in accordance with the Article 22 shall not apply.

Article 25. If the employees of the carrier are sued for damages caused in service by an error or negligence of a lesser degree than that provided for in Article 24, the amount of compensation imposed on them and the carrier jointly may not exceed the limits of liability established for the carrier.

The provisions of Chapter 10, Article 3, shall apply to modifications relating to compensation in certain cases.

Article 26. If the consignee accepts the registered baggage or goods without reservation, the goods shall be presumed to be delivered in good conditions and in conformity with the transportation documents, unless there is proof to the contrary.

When there is a damage or decrease [of baggage or goods] in transportation, the carrier shall be notified immediately and at the latest within 7 days for baggage and 14 days for goods, from the date of receipt. In cases of delay the notification shall be made within 21 days from the date the baggage or goods are put at the consignee's disposal.

Notification may be made by a notation on the transportation documents or by a letter mailed within the period mentioned in paragraph 2.

Article 27. If the notification is not made in accordance with Article 26 within the period mentioned therein, no action will lie against the carrier unless he has acted fraudulently.

Article 28. Liability actions according to this Chapter shall be commenced in the court of the place where the carrier resides, or where the enterprise has its main office or office which concluded the transportation contract, or of the place of destination.

An action shall be commenced in a Swedish court or in a court of a State which adheres to the Warsaw Convention, unless, according to the contract, the place of departure or destination is in a State which does not adhere to the Convention.

Article 29. The right to claim damages shall lapse if the claim is not presented within two years from the date of arrival of the aircraft at the place of destination, or from the date when the aircraft should have arrived, or from the date when transportation was discontinued.

Article 30. If a transportation, which according to one or more contracts is considered a single operation, is performed by several carriers in succession, each carrier who takes on board passengers, registered baggage or goods shall be liable for the portion of transportation which he performed.

With regard to registered baggage or goods the shipper may institute an action against the first carrier, and the consignee to whom the delivery is to be made, against the last, even if the loss, decrease, damage or delay occurred when the goods were under care of another carrier. If two carriers are liable, they shall be subject to joint liability.

Compound Transportation

Article 31. If transportation is carried out partly by aircraft and partly by other means of transportation, the provisions of this Chapter shall apply only to air transportation.

The terms covering other transportation may be entered in the air transportation documents.

Other Provisions

Article 32. Reservations in the transportation contract or others, made prior to the time of damages, in which the parties deviate from the provisions of this chapter on settlement of disputes or specify a change of venue, shall be invalid.

If an arbitration agreement concerning the transportation of goods was made prior to the time of damage, the agreement shall be valid provided the arbitration is undertaken at the place of jurisdiction of the court where action shall be commenced according to Article 28, and the dispute shall be settled in accordance with the provisions of the Warsaw Convention, insofar as the provisions of this Convention apply.

Article 33. Transportation documents issued by a foreign country or documents pertaining to international air transportation shall fulfill the requirements for notification prescribed in Article 3, paragraph 1 (c), Article 4, paragraph 1 (c) and Article 8 (c) if they provide that transportation may be subject to Warsaw Convention which generally limits the liability of the carrier for transportation referred to in the pertinent provisions.

When in international transportation the place of departure or destination is in a country which does not adhere to the Warsaw Convention, the carrier may refer to Article 22 as to the limitations of liability, even if no notice according to paragraph 1 is given.

Article 34. When in domestic air transportation an intermediate landing in a foreign country is not agreed upon, the King may issue regulations on issuance of transportation documents in a form other than that provided for in Articles 3, 4, 8 and 9 relating to tickets, baggage checks and bills of lading.

Article 35. The provisions of this Chapter shall not apply to international transportation by air performed directly by the State, or by a territory for the international relations of which the State is responsible, insofar as the State at the time of ratification of, or adherence to, the Warsaw Convention on International Transportation by Air of October 12, 1929, has made a reservation in accordance with the Additional Protocol to the Convention.

Insofar as a country adhering to the revised Convention has made a reservation that the Convention shall not apply to air transportation by military authorities of that country by aircraft registered in that country and the whole capacity of which has been reserved by, or on behalf of, such authorities, the provisions of this Chapter shall not apply to such transportation.

CHAPTER 10

Compensation for Damages.

Article 1. The provisions of the law on Liability for Damages Resulting from Aviation shall apply to the liability for damages for the injury of persons or property not transported by the aircraft when the injury results from operating an aircraft.⁷

Article 2. When it is so provided by a regulation issued by the King, insurance or pertinent surety determined by the King, shall be valid for compensation for damages specified in Article 1.

Article 3. If a person serving on an aircraft is liable for compensation for damages resulting from aviation because of his error or negligence in service, the court may decide to reduce the amount of compensation in a reasonable manner taking into account mitigating circumstances in such error or negligence, the amount of the damage and other considerations. This shall apply correspondingly to ground service or in general to a service other than an aircraft, if the service is of importance to flight safety.

CHAPTER 11

Rescue Service, Salvage and Investigation of Flight Accidents

Rescue Service

Article 1. The King, or under the King's authorization the Aviation Board, issues regulations concerning the measures to be taken when an aircraft is lost, wrecked, on an emergency situation, or in danger (rescue service).

⁷ Law on Liability for Damages Resulting from Aviation of May 26, 1922, No. 382.

The King may require the owner of the aircraft, and persons who serve on the aircraft or at an airdrome or other aviation installations, to cooperate in rescue service, and establish compensation by the Treasury for such cooperation.

Salvage

Article 2. A person who salvages wrecked aircraft or one in an emergency situation or cargo or any part of such aircraft or goods, as well as a person who assists in such salvage operation shall have the right, to salvage money in accordance with the principles which apply according to Articles 225 to 227 of the Maritime Law to salvage of ships and cargo, whether the salvage operation was performed on sea, land or in the air. A person who in emergency circumstances which caused the salvage rescued or assisted to rescue a life from an aircraft shall also have a right to a share of the salvage money. A person who has borne extraordinary and unavoidable expenses for preserving an aircraft or cargo shall have a right to reimbursement of these expenses.

If goods or a part of the goods have been salvaged or preserved, the owner shall be liable up to the value of the goods salvaged or preserved, but shall not be liable personally.

A person who cooperated in salvaging contrary to an explicit and justified prohibition of the aircraft commander, owner or user shall not have a right to salvage money. The same shall apply to expenses for preserving the aircraft and cargo.

Article 3. A creditor who claims salvage money or reimbursement of expenses referred to in Article 2, shall be secured by a lien on the aircraft and the goods, and shall have priority over the creditors referred to in Chapter 17 of the Commercial Law, insofar as the salvage or reimbursement money concern actions performed in the Realm.

As to amount, all claims referred to in paragraph 1 shall have the same right if they originate from the same event: in other cases those based on the later event shall have priority over those based on the earlier one.

Without the agreement of the creditor an aircraft may not leave the place where the salvage or preservation operations were accomplished, and goods may not be delivered to the owner, prior to payment of the amount claimed, or establishment of security for payment.

Article 4. Special provisions shall apply to the rights of the holder of a lien to compensation in connection with the lien.⁸

If there are other claims for property damage the right to a lien shall also apply to such claims: in such cases, Articles 272 and 279 of the Maritime Law shall apply accordingly.

Article 5. A lien shall cease when the aircraft or goods are sold under distraint or in bankruptcy proceedings according to the provisions applicable for such cases: however, the creditor shall have the right to take equally with other creditors as specially provided for in the law.⁹

A lien on goods shall cease when they are delivered to the disposal of the shipper or consignee. If such goods are delivered without the

⁸ Law on Registration of Rights in Aircraft of May 12, 1955, No. 227.

⁹ Chapter 6 of the Law on Execution of Court Decisions, as amended by the Law of October 11, 1912, No. 211.

permission of the creditor, the person who accepts the goods with knowledge of claims secured by the goods, shall be liable to the creditor for the amount not exceeding the value of the goods at the time of unloading.

Article 6. The right to a lien on an aircraft registered in the Realm shall cease after three months from the date when the salvage or preservation of the aircraft was accomplished, unless the creditor has submitted, during the period mentioned, an application to the registration judge to record the right to a lien on the aircraft with the Register for Deeds, and provided there is also an agreement on the amount of the lien or a lawsuit has been filed in accordance with the law.

The same provision shall apply to an aircraft registered in a foreign country which adheres to the Convention of June 19, 1948, on the International Recognition of Rights in Aircraft, provided that the application is submitted to the authority which keeps the Register of Deeds for aircraft.

If an aircraft is not registered or is registered in a foreign country other than one provided for in paragraph 2, the lien shall cease after one year from the date when the salvage or preservation of the aircraft was accomplished, unless, during the period mentioned above an agreement on the amount of lien was made or a lawsuit has been filed in accordance with the law.

Investigation of Flight Accidents

Article 7. If an accident occurs in the use of an aircraft which causes death or serious injury to persons, or serious damages to the aircraft or property not transported by it, an investigation shall be made in regard to the accident and the reasons which caused the accident.

An investigation shall also be made if there was a serious threat of such air accident or events occurred which indicate an essential defect in the aircraft or ground organization.

Article 8. The investigation referred to in Article 7 shall be made by an investigation commission.

Technical and legal experts shall be represented in the commission.

Article 9. The members of the commission shall be appointed by the Aviation Board unless the King has cause to nominate one or more members.

The King may nominate a special investigation commission if he considers it necessary in connection with the handling by the Aviation Board of the accident case, or for other reasons.

Article 10. Insofar as ordered by the King, the commission must inform the parties concerned and give them an opportunity to act as they deem necessary for the promotion of their interests. If it is possible without any disadvantage to the investigation, they shall have a right to be present during the investigation at the place of accident and other investigation procedures of the commission.

Article 11. The commission shall perform its work in concert with the police authorities and public prosecutor who conducts the investigation according to Chapter 23 of the Law on Court Procedure.

Prior to the beginning of the commission's activities, the Aviation Board, with the assistance of the police authorities, or by other suitable

means, shall take all necessary means for the performance of the investigation if the postponement of such measures would be detrimental.

Article 12. The commission may examine any person who may supply essential evidence for the investigation, and inspect objects which may be essential.

If the investigation cannot be properly carried out, the commission may decide that the investigation shall be made by the police authorities. In such cases the corresponding articles of Chapter 23 of the Law on Court Procedure shall apply; the measures of enforcement provided for in Chapters 24 to 28 may be used only in cases if a crime is committed which is subject to public prosecution,

If the commission finds it necessary to have a witness or expert examined by the court, or to order a person to furnish a written document or an object, the commission may make a presentation to the lower court in whose circuit the accident occurred or the person who must be examined or is otherwise concerned, has his residence. If there are no legal impediments the court shall perform the examination and issue the order. The respective provisions on recording of evidence in interlocutory procedure shall apply to such actions.

Article 13. If there is found an aircraft or goods transported by the aircraft, or parts of the aircraft or goods, and there are reasons to assume that an air accident occurred, such objects may not be removed or displaced without the permission of the police authorities or investigation commission, unless it is necessary for the saving of life or for other particular reasons.

Any person who finds any property referred to in paragraph 1, must immediately notify the police authorities or investigation commission which shall take care of the property if deemed necessary.

CHAPTER 12

Special Provisions

Article 1. When there are reasons at the beginning of the flight to assume that the aircraft is not airworthy, or is not properly manned, or in general the provisions of this law or conditions established for such flight pursuant to it, are not fulfilled, the flight may be prohibited and the aircraft may be prevented from take-off. The decision to take such action shall be made by the Aviation Board or [the agency] authorized by it. In the latter case the decision shall be submitted without delay to the Aviation Board for approval.

Article 2. The possessor of a public airdrome may prevent an aircraft from leaving the airdrome until the charges in connection with the last landing, stopover or take-off, referred to in Chapter 6, Article 13, are paid or a proper guarantee has been given.

The King may stipulate that the provisions of paragraph 1 shall not apply to international aviation as defined by the King.

Article 3. Special provisions shall apply regarding the release of certain aircraft from sequestration or other restrictions of property rights.

Article 4. The King issues regulations as to the basis on which the fees and other costs for official functions in accordance with this law shall be collected.

In the absence of payment the fees and costs may be collected by distraint without a prior court decision.

Article 5. Special provisions shall apply to possession and use of radio installations and radio receivers on an airplane or at ground installations.

CHAPTER 13

Penal Provisions

Article 1. Any person who violates a prohibition or stipulation issued by the King in accordance with Chapter 1, Article 3, shall be punished by imprisonment or hard labor of up to two years, or on extenuating circumstances by a fine.

A person who violates a prohibition or stipulation issued by other authorities in accordance with Chapter 1, Article 3, shall be punished by a fine or by imprisonment of up to 6 months.

Article 2. Any person who submits incorrect date in the application for registration of an aircraft, or for notation in the appendix of the register, or in other applications or notifications submitted in accordance with Chapter 2, shall be punished by a fine or by imprisonment of up to 6 months.

Any person who uses an aircraft which bears incorrect nationality or registration markings, or an aircraft which does not bear any markings in accordance with this law or regulations issued on the basis of this law, shall be punished by imprisonment or hard labor of up to two years, or on extenuating circumstances, by a fine.

Article 3. Any person who operates an aircraft without a permission and without an airworthiness certificate, or an aircraft which is not airworthy in accordance with Chapter 3, shall be punished by a fine or by imprisonment of up to one year.

The same shall apply if an aircraft is operated without a licence and not adequately manned as provided for in Chapter 4.

Article 4. Any person who performs a service on an aircraft referred to in Chapter 4, Article 4, without being granted a certification, shall be punished by a fine or by imprisonment of up to six months. Any person who performs a service referred to in Chapter 6, Article 15, without a certificate shall be subject to the same punishment.

Article 5. Any person who performs a service on an aircraft and ignores, or refuses to follow directions of the commander shall be punished by a fine or by imprisonment of up to one year.

Any commander who in an emergency does not fulfill his responsibility in accordance with Chapter 5, Article 7, shall be subject to the same punishment.

Article 6. Any person who commands an aircraft or performs another service on an aircraft, or performs a service referred to in Chapter 6, Article 16, under the influence of alcohol or other narcotics referred to in Chapter 5, Article 10, shall be punished by imprisonment or hard labor of up to two years, or if the crime is slight, by a fine equivalent to detention of not less than for 25 days.

Article 7. Any person who, without a licence, establishes or operates an airdrome or other installation referred to in Chapter 6, or opens or maintains such installation which is not approved by the au-

thorities when such approval is required, shall be punished by a fine or by imprisonment of up to six months.

Any person who carries out air traffic without a licence referred to in Chapter 7, shall be subject to the same punishment.

Article 8. Any person who performs a service on an aircraft or any other service and thereby violates the regulations issued in accordance with Chapter 8, Article 1 or 2, or refuses to obey an order to land referred to in Chapter 8, Article 3, shall be punished by a fine, or by imprisonment of up to one year.

The same punishment shall apply when war materiel or other goods are carried by an aircraft in violation of the provisions of Chapter 8, Article 4, paragraphs 1 or 2 or of the regulations issued in accordance of these provisions.

Article 9. Any person who operates an aircraft without valid insurance or other surety shall be punished by a fine or by imprisonment of up to one year.

Article 10. Any person who in circumstances other than those provided for previously, violates the provisions of Chapters 1-6 or 8, shall be punished by a fine.

Any person who violates the provision of Chapter 11, Article 13, shall be subject to the same punishment.

Article 11. Punishment according to this law shall not be imposed if the act was a result of slight negligence.

Article 12. Punishment according to this law shall not be imposed for crimes punishable pursuant to the General Criminal Law.

Article 13. If the owner of an aircraft or a person who replaces him, intentionally commits a crime referred to in Article 1, paragraph 1, or is an accessory thereto, the aircraft may be forfeited to the Treasury, insofar it is considered necessary for prevention of the crime, or there are other special circumstances, and the forfeiture is not obviously unreasonable; if the aircraft is not available its value may be forfeited. This provision shall not apply to a person who in good faith acquired an aircraft or rights in it.

If the forfeiture concerns an aircraft which is subject to a lien or mortgage, the court may decide that the lien or mortgage shall cease. Notwithstanding other rights in an aircraft the forfeiture may be carried out under the conditions decided on by the court.

The corresponding parts of the provisions of paragraphs 1 and 2 shall apply to war materiel and goods referred to in Chapter 8, Article 4, paragraph 2, insofar the owner, or a person who replaces him, violates the provisions of Article 8, paragraph 2, of this Chapter, or is an accessory to such violation.

CHAPTER 14

Certain Provisions on Application of this Law.

Article 1. For aircraft without a pilot on board, or operating without a power, or in general aircraft of an extraordinary type, the King or under the King's authorization the Aviation Board, may stipulate exceptions from the provisions of Chapters 2 to 8, if there are no obstacles to traffic or public safety, and may issue the necessary regulations.

The King, or under the King's authorization the Aviation Board, may also issue regulations on inventions which are designed to operate in the air but which are not aircraft.

Article 2. The decisions of the Aviation Board may be appealed to the King. If not otherwise stated in the decision, the appeal shall not prevent the implementation of the decision.

Article 3. The King, or under the King's authorization the Aviation Board, issues regulations on the application of this law.

Article 4. The King may stipulate that the competence of the Aviation Board, according to this law shall be carried out in one or more respects by another authority appointed by the King.

SECOND PART. MILITARY AND OTHER AVIATION OF THE STATE

CHAPTER 15

Article 1 (as amended by law of April 8, 1960, No. 69). The King, or an authority authorized by the King, shall issue regulations as to the extent to which the provisions of this law on civil aviation shall apply to Swedish military aircraft, military airdromes and other military ground installations.

The provisions of Chapter 9, Chapter 10, Article 3, Chapter 11, Article 2, paragraphs 1 and 3, Article 13, on civil aviation shall apply to military aviation *as specified in the first paragraph*.

Article 2. With the exception of Chapter 11, Articles 3-6, the provisions of this Law shall apply to flights by Swedish aircraft used exclusively for State purposes, and not for commercial purposes.

The King, or with authorization from the King, the Aviation Board may stipulate other exceptions from the provisions of this Law relating to flights provided for in paragraph 1, but not from the provisions of Article 1, paragraph 2, and it may issue regulations on such flights.

Article 3. The King, or [the authority] authorized by the King, shall issue regulations regarding flights of foreign military aircraft, and foreign aircraft used for purposes of the State and not for commercial purposes, within Swedish territory.

This law shall be made effective by Royal decree.

REGULATIONS IN FORCE

Decree on Aviation of November 24, 1961, No. 558.

SWITZERLAND

FEDERAL LAW ON AIR NAVIGATION OF DECEMBER 21, 1948¹

The Federal Assembly of the Swiss Federation, in view of Articles 37 ter and 36 of the Constitution, and of the Message of the Federal Council of March 23, 1945² decrees as follows:

FIRST PART—BASIC PROVISIONS OF AIR NAVIGATION

FIRST TITLE—AIR SPACE AND SURFACE OF THE EARTH

CHAPTER I—SOVEREIGNTY OVER AIRSPACE AND ITS EFFECTS

Article 1

I. Use of Swiss airspace. 1. Principle. The use of the airspace over Switzerland by any aircraft shall be permitted within the limits established by this law and the federal laws in general.

Article 2

2. Aircraft permitted to fly. Any of the following [aircraft] may fly within the Swiss airspace provided it is airworthy:

- a. Aircraft belonging to the Swiss State;
- b. Aircraft registered in the Swiss Register in accordance with Article 52 and possessing the certificates provided for in Article 56;
- c. Aircraft which may use the Swiss airspace by virtue of international agreements;
- d. Aircraft which may use the Swiss airspace by virtue of a special ruling of the Federal Air Office.

Article 3

II. Supervision by the Federal Government. 1. Federal Agencies. The Federal Council shall have supervision of air navigation over the whole territory of the Federation. It shall exercise it through the Department of the Post Office and Railroads.

For the purpose of exercising immediate supervision, a special division of the Department of the Post Office and Railroads shall be established.

The Federal Council shall make more detailed regulations, particularly in regard to fees to be levied.

¹ Published in *Recueil des Lois Fédérales*, No. 19, of June 6, 1950, p. 491. For amended Articles 8.2, 11, 12, 13, 17, 40, and 52, see *infra*, p. 2380.

² In *Feuille Fédérale*, 1945, Vol. I, p. 325.

Article 4

2. Delegation. Particular powers of supervision may be delegated to the Cantons and, upon consultation with the Cantonal Governments, to the local authorities, to the airport authorities and to private organizations suitable to exercise them.

Article 5

3. Commission for air navigation. The Federal Council shall appoint a Commission for Air Navigation, consisting of at least seven members, which shall give advice on important questions concerning air navigation.

The membership, jurisdiction and methods of operation of such commission shall be specified in an ordinance.

Article 6

4. Appeal. An appeal from any decision made under Articles 8, 9, 14, second paragraph, and Articles 27, 33, 35, 37 and 93 may be brought in the usual manner to the Federal Council as the highest resort.

The Department of the Post Office and Railroads shall render final decisions in all appeals brought under the present law in the following cases:

a. First decisions rendered by the Federal Air Office.

b. Rulings of that office concerning appeals from decisions of the supervisory authorities provided for in Article 4.

The provisions of Article 49 shall not thereby be affected.

Article 7

III. Restrictions on air navigation. 1. Prohibition to fly. In the interest of public order and safety or for military reasons, the Federal Council may, as a temporary or permanent measure, prohibit or restrict the use of the Swiss airspace or the flight over certain areas.

Article 8

2. Air routes and airports. The Federal Air Office may prescribe air routes which must be followed and designate airports which must be used by aircraft.

Article 9

3. Customs airports. Any aircraft leaving for, or arriving from, a foreign country must take off from, or land on, a customs airport.

In exceptional cases, the Director General of the Customs, with the consent of the Federal Air Office, may authorize the use of another place.

Article 10

4. Crossing the border. The Federal Air Office, with the consent of the Director General of the Customs, may determine the points between which the border may not be crossed.

Article 11

IV. Applicable laws. The airspace over Switzerland shall be subject to the Swiss laws.

The provisions of international agreements and recognized rules of public and private international law shall not thereby be affected.

CHAPTER II—USE OF THE AIR SPACE

Article 12

I. Police regulations. 1. Jurisdiction. The Federal Council shall make police regulations for the use of the air space.

Article 13

2. Permissions. The Federal Council may declare that parachute jumps, flights of captive balloons, public air shows, acrobatic flights and acrobatic exhibitions of aircraft shall depend on specific permission by the Federal Air Office.

Article 14

3. Prohibitions. Except as determined by the Federal Council, it shall be prohibited to throw any object from an aircraft in flight.

The Federal Council may prohibit, or declare dependent on permission by the Federal Air Office, the taking of aerial photographs and the publication thereof and the transportation by air of certain objects.

Article 15

4. Special safety measures. When necessary, special safety measures shall be ordered by the Federal Air Office either in the course of one of the permissions provided for in Articles 13 or 14, or in the form of a separate decision.

Article 16

5. Inspection. The supervisory authorities shall always have the right to inspect aircraft and their contents, and to verify all documents which they must possess.

Article 17

6. Landing outside authorized airports. When an aircraft lands outside an authorized airport, the commander or, if there be none, the pilot, must request instructions from the air police through the local authorities. Until such instructions arrive, the aircraft, its occupants and its contents shall remain under the supervision of the local authorities.

This provision shall also apply to non-dirigible aircraft.

The Federal Air Office may make exceptions for flights for purposes of instruction, for flights of balloons, glider flight and aeronautical exhibitions.

Article 18

II. Duty to land. Any aircraft may be ordered to land for reasons of public order and safety. It must immediately obey the signals ordering it to land.

Any aircraft which unlawfully uses the Swiss airspace must land on the nearest customs airport in order to be put under the control of the authorities of jurisdiction. It shall remain impounded until permission for it to fly is given by the Federal Air Office.

Article 19

III. Signal service. The Federal Air Office shall prescribe rules concerning the signal service.

Article 20

IV. Navigation on, and above, waterways. The Department of the Post Office and Railroads shall prescribe special rules for the use of Swiss waterways and the airspace above them by aircraft, with due consideration of the interests of shipping. The Cantonal governments concerned shall be heard in advance.

Article 21

V. Exercise of air police power. The exercise of air police power shall belong to the authorities designated by the Federal Council.

The general police powers of the Federal Government and of those of the Cantons over airports and other areas of the land used for air navigation shall not thereby be affected.

Article 22

VI. Accidents of aircraft. 1. Rescue service. The Federal Air Office may prescribe rules for the organization of the rescue service in case of accidents of aircraft.

Article 23 ^{2a}

2. First measures. Accidents of aircraft shall be reported by the fastest means available to the Federal Post and Railway Department; such duty shall be incumbent upon the flight personnel concerned, the air police and the local authorities.

The local authorities shall take care that, except for necessary salvage and rescue operations, no changes are made at the place of the accident which might hinder the investigation.

Article 24

3. Air accident investigations. a. General provisions. An air accident investigation shall be made in order to clarify the circumstances and causes of air accidents.

^{2a} Articles 23 to 26 inclusive were amended by Law of October 2, 1959, pub. in *Sammlung der eidgenössischen Gesetze* 1960, p. 357.

The Federal Council shall issue regulations concerning organization and procedure within the framework of the following provisions. It may extend their application to serious situations which did not terminate in an accident.

The form and applicability of investigations shall be subject to the provisions on Federal criminal procedure unless they are pursued by the Cantonal authorities in accordance with Cantonal law.

Jurisdiction is reserved to the Cantonal authorities for civil and criminal proceedings.

The Federal Government shall bear the cost of investigations. Recourse may be had against persons who caused an accident intentionally or by gross negligence.

Article 25

b. Bureau for air accident investigations. A bureau for air accident investigations shall be established in the Federal Post and Railway Department.

The bureau for air accident investigations shall make a preliminary investigation in conjunction with the competent authorities of the Canton where the accident occurred.

The bureau for air accident investigations may ask private experts to conduct preliminary investigations.

Article 26

c. Commission of investigation. The Federal Council shall establish a Federal commission for air accident investigation which shall consist of a chairman, a vice chairman and three other members.

The commission shall have the task of examining the accident reports of the bureau for air accident investigations in regard to completeness and conclusions and of making a final report to the Federal Post and Railway Department. It may also make to the latter recommendations for the improvement of flight safety.

The chairman of the commission shall decide on complaints regarding official acts and delay in conducting preliminary investigations.

In cases of serious accidents which occur in commercial transportation of persons, or in whose clarification there exists a particular public interest, the proceedings of the commission shall be public.

The final investigation reports shall be published. Any person who shows a legal interest may have access to the files of completed accident investigations.

The Federal Council shall determine the cases in which the principle of public proceedings and access to the files may be limited for important reasons.

Article 27

VII. Commercial air navigation. 1. License. a. Duty. The commercial transportation of persons and goods by scheduled air lines shall be subject to a license.

Article 28

b. Jurisdiction and procedure. The license shall be granted by the Department of the Post Office and Railroads. An application therefor shall be submitted to it, together with supporting documents and other documentation required in the Regulations.³

Before a decision on an application for a license is made, the governments of the Cantons concerned and the public transportation enterprises whose interests are affected by the project must be consulted.

Article 29

c. Contents of the license. The license must contain, in particular, provisions concerning its duration, location of the enterprise, kinds of activities, and, further, in the case of Swiss enterprises, concerning measures of insurance for the benefit of its employees, the status of its reserves and conditions of possible purchase by the Federal Government.

Article 30

d. Duties of the licensees. Duty to provide transportation shall exist for the licensees only within the limits of the license.

Licensees must submit to the Federal Air Office for approval the technical and economic facts necessary for the exercise of supervision, as well as their timetables and rates.

Article 31

e. Purchase by the Federal Government. The Federal Government shall have the right to purchase for a consideration and under conditions which must be stated in the license, any Swiss enterprise of air transportation that is the beneficiary of a license.

In case of disagreement on the amount of the consideration, the Federal Court shall decide as the court of sole jurisdiction.

Article 32

f. Transfer of license. The transfer of a license to another shall be subject to the approval of the Department of the Post Office and Railroads; it shall have legal validity only after such approval.

The same shall apply in regard to the transfer of certain rights and duties of the licensee. The licensee shall remain liable for the fulfillment of the duties arising from the license.

Before giving its approval, the Department of the Post Office and Railroads shall consult the Cantonal governments concerned.

³ In the original French, the term "l'ordonnance d'exécution" is used. This term must refer to Articles 139 to 142 of the "Règlement d'Exécution" of June 5, 1950, which deals with applications for a license. The "Ordonnance" of the same date deals only with the commission on navigation. Ed.

Article 33

2. Permissions. Commercial flights of any kind other than provided for in Article 27 may be made, and schools for the training of flight personnel may be conducted only by virtue of a special permission from the Federal Air Office.

Article 34

3. Domestic carriage.⁴ Commercial transportation of persons and goods by aircraft between two points in Swiss territory shall, in principle, be reserved to Swiss enterprises.

Article 35

4. Foreign enterprises. Reciprocity. In regard to foreign enterprises, the permissions provided for in Article 33 and the exceptions to the rule established in Article 34 may be made subject to the condition that the foreign state grant reciprocity.

CHAPTER III—GROUND INSTALLATIONS

Article 36

I. Airports. 1. Jurisdiction. The Federal Council shall make detailed rules concerning the establishment and operation of airports for airplanes and seaplanes.

Article 37

2. License and authorization for airports. Airports open to public navigation may be established and operated only by virtue of a license which shall be granted by the Department of the Post Office and Railroads.

For the establishment and operation of all other airports, authorization by the Federal Air Office shall be required.

The governments of the Cantons concerned shall be heard before the granting of a license or the delivery of an authorization.

A responsible supervisor shall be designated for each airport.

Article 38

3. Right of use. To the extent that military interests permit, airports belonging to the Federal Government shall also be open to civil aviation.

Aircraft in the service of the army, the customs and the police may use, without payment of a fee, civil airports supported by the Federal Government when no disturbance of civil aviation results therefrom.

Special arrangements regulating the exercise of the rights mentioned in paragraphs 1 and 2 shall not thereby be affected.

⁴ In the original French, the term "cabotage", usually meaning "coastwise trade" is used. Ed.

Article 39

4. Airport fees. Airport fees shall be submitted for the approval of the Federal Air Office.

Article 40

II. Service of air safety. The Federal Air Office shall organize a service of air safety.

This service shall include in particular the transmission of messages, traffic control, aids to navigation, aeronautical weather services and the marking of flight obstructions.

Article 41

III. Flight obstructions. The Federal Council may prescribe rules to prevent the creation of flight obstructions, to remove such obstructions, or to adapt them to the requirements of the safety of air navigation.

The federal laws on expropriation shall apply to complete or partial removal of flight obstructions that existed before these provisions were enacted.

Article 42

IV. Restrictions on realty. 1. Use without compensation. The Federal Government and the grantees of an airport license shall have the right to gratuitous use of public or private property for installations of the safety service, provided the normal use of such real property, such building or such installations, is not hampered.

However, any damage resulting from the construction and maintenance of installations of the safety service must be repaired.

Article 43

2. Restriction on the right to build. a. Public airports. The Federal Council shall be authorized to provide in an ordinance that no buildings may be erected or other installations be established within a determined area around airports or installations of the safety service or at a determined distance from air routes except when they constitute no danger to air navigation and when the Federal Air Office, in agreement with the other agencies concerned, has approved the plans in advance.

Before application of the ordinance, the plans showing the extent of the restrictions on the right to build imposed for the benefit of an airport, of an installation of the safety service, or of an air route, must be publicly deposited, and a time limit must be fixed within which objections may be entered.

The Federal Laws on Expropriation shall apply to deposit of the plans, to opposition proceedings, and to indemnity claims of the interested parties.

Article 44

b. Private airports. Article 43 shall not apply to private airports. When the Federal Air Office considers a safety zone necessary, its creation shall be accomplished by the purchase of land and by the

imposition of servitudes of the kind used in private law. Authorization to operate an airport must be refused when no solution that is completely satisfactory from the point of view of air safety can be arrived at in this manner.

Article 45

V. Sharing of costs. 1. Operator of an airport. Except as provided in Article 101, the operator of an airport shall bear the cost of establishing, operating and maintaining the airport.

Furthermore, the following shall be at his expense insofar as there is any relationship to the use of the airport by aircraft:

- a. The cost of installations for the safety service and of their use;
- b. The cost of eliminating flight obstructions or of adapting them;
- c. Compensation due for restrictions imposed on the right to build in order to facilitate use of an airport.

Article 46

2. Enterprises of air transportation. Unusual costs for the safety service caused by the operation of particular airlines may also be charged to the enterprises of air transportation concerned.

Article 47

3. Third parties. If third parties subsequently build any installations, they shall bear the whole expense incurred in adapting such installations to the necessities of the safety of air navigation, except as provided in Article 101, second paragraph.

Article 48

4. Federal Government. Other costs of the safety service and the elimination or adaptation of flight obstructions shall be borne by the Federal Government.

Article 49

VI. Jurisdiction and procedure. The Federal Council shall designate the authorities of jurisdiction and regulate the procedure:

- a. For adjudication of actions relating to gratuitous use of real property under Article 42, first paragraph;
- b. For adjudication of actions for damage payments under Article 42, second paragraph;
- c. For adjudication of actions relating to sharing expenses under Articles 45 to 48

Judgments rendered by the highest appeals authorities designated by the Federal Council may be brought before the Federal Court by way of an administrative appeal.

Article 50

VII. Expropriation. For the establishment and operation of airports, the Federal Council may exercise, or confer upon third parties, the right of expropriation in accordance with the Federal Law on Expropriation.

The right of expropriation may also be exercised, or conferred for, installations of the safety service when the rights provided for in Articles 42 and 43 are insufficient.

SECOND TITLE—AIRCRAFT AND AIR PERSONNEL

CHAPTER I—AIRCRAFT

Article 51

I. Classification. The Federal Council shall make rules for the classification of aircraft.

In particular, it shall define aircraft which shall be deemed Swiss State aircraft.

Article 52

II. Register. 1. General conditions for registration. The Federal Air Office shall keep the Swiss register.

Except as provided in Articles 53 and 54, an aircraft may be registered in the Swiss register only:

a. When it is recognized as airworthy by an official inspection agency;

b. When it is not registered in the register of another State;

c. When it is the property of Swiss nationals, of Swiss corporations or cooperatives, of Swiss associations, or of Swiss public institutions or establishments.

The Federal Council shall make detailed rules concerning conditions, contents, changes in, and cancellation of registrations.

Article 53

2. Aircraft belonging to Swiss corporations and associations. Any aircraft belonging to Swiss corporations and cooperatives may be registered in the Swiss register only:

a. When the corporation or cooperative is registered in the commercial register in Switzerland;

b. When all stockholders or association members who are personally liable, and at least two-thirds of the others, are Swiss citizens;

c. When the president and two-thirds of the members of the board and of the directors of the corporation are Swiss citizens and domiciled in Switzerland.

Any aircraft that belongs to an association may be registered only when two-thirds of its members are Swiss citizens and when the president and two-thirds of the members of the committee are Swiss citizens and domiciled in Switzerland.

Article 54

3. Foreign aircraft. Any aircraft which is the property of a national of a foreign state may be registered in the Swiss Register when it has its home port in Switzerland and when its owner is domiciled in Switzerland.

Article 55

4. Legal consequences. Any aircraft registered in the Swiss Register shall be deemed Swiss.

Article 56

III. Certificates. For all aircraft registered in the Swiss Register the Federal Air Office shall deliver certificates attesting their registration, their airworthiness, and their clearance for flight. Such certificates must contain all information necessary to establish the identity of the aircraft.

Certificates of clearance for flight may be given to applicants only when they prove that the guarantee required by this law for coverage of civil liability has been furnished.

The Federal Council shall make rules concerning the duration of the validity of the certificates, their renewal and their withdrawal.

Article 57

IV. Crew and equipment. The Federal Air Office shall make rules concerning the members of the crew and the equipment of aircraft flying in Switzerland, and concerning the flight papers which such aircraft must carry.

International agreements shall not thereby be affected.

Article 58

V. Inspection for airworthiness. All aircraft must be inspected for airworthiness:

a. Before registration in the Swiss Register;

b. After a period of time fixed by the Federal Air Office;

c. When certain circumstances, such as, for example, an accident or serious damage, make an inspection advisable.

The Federal Air Office may also subject foreign aircraft to a technical inspection whenever it is in doubt about its airworthiness.

The Federal Air Office shall determine the nature and the extent of the inspection for airworthiness. The operator of the aircraft shall bear the expense of the inspection.

Article 59

VI. Markings. All aircraft flying in the Swiss airspace must bear distinctive and clearly visible markings.

The Federal Air Office shall determine the kind of markings if it is not regulated in international agreements.

CHAPTER II—AIR PERSONNEL

Article 60

I. Licenses. Aircraft pilots and other personnel, indispensable for the operation of an aircraft, especially navigators, flight radio operators and engineers, and persons training as air personnel, must possess, and periodically renew, a license from the Federal Air Office, in order to carry out their functions.

The Federal Council shall determine other categories of the air personnel for whom the possession of a license is required.

It shall make rules for the granting, the renewal and the withdrawal of the licenses.

Article 61

II. Student licenses. Any person who wants to train for a function for which a license is obligatory under Article 60, must have a student license delivered by the Federal Air Office.

The Federal Air Office shall make provisions regulating the granting, the withdrawal, and the validity of such student license.

Article 62

III. Foreign certificates. The Federal Air Office shall rule on the validity of foreign certificates unless international agreements are applicable.

It shall have the right to refuse recognition for flight in the Swiss airspace to certificates delivered to a Swiss national by a foreign state.

Article 63

IV. Rights and duties of air personnel. The Federal Council shall determine, in the ordinance for the application [of this law] or in special regulations, what the rights and duties of air personnel are within the limits of international agreements and of the federal laws. Working conditions shall be regulated by contract.

SECOND PART—LEGAL RELATIONSHIPS RESULTING FROM THE PRACTICE OF AIR NAVIGATION

FIRST TITLE—CIVIL LIABILITY TOWARD THIRD PERSONS

Article 64

I. Extent of damage payments. 1. Principles. The damage caused by an aircraft in flight to persons and property on the ground shall give rise to a right to damages against the operator of the aircraft if it is established that the damage has occurred and that it has been caused by the aircraft.

In this provision shall be included:

a. Damage caused by an object of any kind falling from the aircraft, even in the case of jettisoning of prescribed ballast or jettisoning in an emergency;

b. Damage caused by any person whatever on board an aircraft. The operator shall be liable only up to the amount of the guarantee which he must furnish in application of Articles 70 and 71, if such person is not part of the crew.

The aircraft shall be deemed in flight from the beginning of take-off operations until the end of the operations of arrival.

Article 65

2. Unlawful use. Any person who makes use of an aircraft without the consent of the operator shall be liable for the damage caused. The operator shall also be liable but only up to the amount of the guarantee which he must furnish in application of Articles 70 and 71.

Article 66

3. Collision. In the case of damage caused on the ground by the collision of two or more aircraft, the operators of such aircraft shall be jointly liable to third persons who have suffered damage.

Article 67

II. Venue. Venue in actions for payment of damages shall be, at the choice of the plaintiff:

in the court of the domicile of the defendant or, in the court at the place where the damage has been caused.

Article 68

III. Statute of limitations. No such actions shall be maintained after one year counting from the date when the damage occurred. When the injured person proves that he could not know either of the damage, of its extent, or of the person liable therefor, the statute of limitations shall begin to run from the day when he could have had knowledge thereof.

In all events, no action shall be maintained after three years from the date when the damage occurred.

Article 69

IV. Reservation of contractual right. The provisions of this title shall not apply to damages caused on the ground when payment therefor is subject to a contract between the injured person and the person who is liable under the provisions of this law.

Article 70

V. Guarantee to cover civil liability. 1. Duty to insure. Except as provided in Article 71, any operator of an aircraft registered in the Swiss Register shall be insured against the consequences of his liability to third persons with an insurance company that has been authorized by the Federal Council to do business in Switzerland in this kind of insurance.

The insurance must also cover the liability of the persons entrusted by the operator with the operation of the aircraft or with other flight services in regard to damages caused to third persons in the exercise of their professional activity in the service of the operator.

Article 71

2. Deposit and bond. The guarantee against losses may also consist of the deposit of securities that are easily negotiable at the public treasury or at a bank accepted by the Federal Air Office, or of a general collateral [cautionnement solidaire] by such a bank or insurance company authorized by the Federal Council to do insurance business in Switzerland.

The actual surety and the collateral must be replenished as soon as the amounts they represent are susceptible of being diminished by the amount of an indemnity.

Article 72

3. Aircraft of the Federal Government and the Cantons. The Federal Government and the Cantons shall not have to furnish a guarantee for their aircraft.

Article 73

4. Foreign aircraft. The duty to furnish a guarantee for foreign aircraft shall be governed by international agreements. In the absence of such agreements, the Federal Air Office may make [permission to] use Swiss airspace contingent on the prior furnishing of a guarantee.

Article 74

5. Rules for execution. The Federal Council shall make rules concerning the furnishing of guarantees, especially concerning their amount and delivery of official attestations as to the kind, amount and duration of validity of the guarantees furnished.

SECOND TITLE—THE LAW OF AIR TRANSPORTATION

Article 75

I. Regulation of air transportation. The Federal Council, after hearing the Commission for Air Navigation, shall issue regulations for air transportation which shall govern the transportation of persons and baggage, of goods and animals, including civil liability of a carrier to passengers and to shippers. It shall take as a basis therefor the principles of the Warsaw Convention of October 12, 1929 on international transportation by air.

For domestic traffic the Federal Council may simplify the shipping formalities.

The regulations for air transportation must be approved by the Federal Assembly.

Article 76

II. Reservation of postal laws. The special provisions of the postal laws for transportation of postal shipments by air shall not thereby be affected.

THIRD TITLE—GENERAL PROVISIONS ON CIVIL LIABILITY

Article 77

I. Federal insurance in case of accidents. When the victim of an accident caused by an aircraft has been insured with the Swiss national accident insurance [*caisse nationale suisse d'assurance en cas d'accidents*], his rights shall be determined under the federal accident insurance laws. The national insurance may recoup any payments from the persons who are civilly liable and from the insurer, in accordance with Article 100 of the Law on Insurance in Cases of Sickness and Accidents.

Any more extensive rights of the victim or his survivors arising from an accident caused by an aircraft shall remain intact.

Article 78

I. Military insurance. When a person covered by military insurance is the victim of an accident caused by the use of a Swiss military aircraft, the federal laws on military insurance alone shall be applicable.

Article 79

III. Contractual rights [*droits des obligations*]. Insofar as Articles 64 to 78 and the rules issued by the Federal Council in application thereof do not provide otherwise, the provisions of the Federal Code of Obligations shall be applicable.

FOURTH TITLE—ATTACHMENT OF AIRCRAFT

Article 80

I. Definitions. In the following Articles, attachment shall mean any act, of whatever name, by which an aircraft is seized, for a private interest, for the benefit of a creditor, a proprietor or titleholder of an actual right in the aircraft, where the person making the attachment cannot produce an executory judgment, previously obtained under the regular procedure, or an equivalent writ of execution.

Article 81

II. Exemption. The following shall be exempt from attachment:

- a. Aircraft used exclusively in the service of the State;
- b. Aircraft actually in service on a scheduled public airline and necessary reserve aircraft;
- c. Any other aircraft used for transportation of persons or goods for hire, when it is ready to depart in such transportation, except in the case of a debt incurred for the trip it will undertake or of an amount that has become due in the course of the trip.

The provisions of this article shall not apply to an attachment by the proprietor of an aircraft who has been unlawfully dispossessed thereof.

Article 82

III. Avoidance of attachment by furnishing a guarantee. A sufficient guarantee shall prevent attachment or shall give the right to have it lifted immediately.

Such guarantee shall be deemed sufficient if it covers the amount of the debt and the costs, and if it is made exclusively for payment of the creditor, or if it covers the value of the aircraft in case such value is lower than the amount of the debt and the costs.

Article 83

IV. Procedure. In all cases a request for the lifting of the attachment shall be decided on by a summary and speedy procedure.

The Cantonal governments, by means of an ordinance, shall issue necessary rules in regard to procedure; such rules must be submitted to the Federal Council for its approval.

Article 84

V. Duty to make reparation for the damage caused by an unjustified attachment. When an attachment has been made of an aircraft which is non-attachable under the provisions of this law or when the debtor has had to furnish a guarantee in order to avoid the attachment or to have it lifted, the person making the attachment shall be liable under the Code of Obligations for the damage arising to the operator or the proprietor.

The same rule shall apply in the case of an attachment made without just cause.

A demand for reparation for the damage shall be submitted either to the court of the domicile of the defendant or to the court of the place where the attachment was made.

Article 85

VI. Exceptions. The preceding provisions shall not apply to preventive measures taken under the bankruptcy laws, under the administrative law, or under the criminal law.

Article 86

VII. Foreign aircraft. Articles 80 to 85 shall also be applicable to foreign aircraft when the State in whose register they are registered, assures reciprocity.

Article 87

VIII. Protection of industrial property rights. The agreements concerning industrial property rights shall not thereby be affected.

FIFTH TITLE—CRIMINAL PROVISIONS

CHAPTER I—VIOLATIONS

Article 88

I. Crimes. 1. Prohibition to fly. Any person who, in violation of a prohibition to fly issued under Article 7, intentionally enters the air space by means of flight, or leaves Switzerland in such manner, or flies over a prohibited area, shall be punished by imprisonment up to one year or by a fine up to ten thousand francs.

When the person committing the unlawful act has also violated the provisions of Article 18 concerning the duty to land, the penalty shall be imprisonment up to two years and a fine up to twenty thousand francs.

When the person committing the unlawful act has acted negligently, the penalty shall be imprisonment up to six months or a fine up to five thousand francs.

Article 89

2. Piloting an aircraft bearing false markings. Any person who intentionally pilots, or causes to be piloted, an aircraft bearing false or falsified markings, or one not bearing the markings prescribed in Article 59, shall be punished by imprisonment up to five years and by a fine up to twenty thousand francs.

In less serious cases a judge may simply levy a fine.

If the person committing the unlawful act has acted negligently, the penalty shall be imprisonment up to six months or a fine up to ten thousand francs.

A person who pilots, or causes to be piloted, outside of Switzerland, any aircraft unlawfully bearing Swiss markings, shall also be subject to punishment. Article 4, second paragraph, of the Criminal Code shall be applicable.

Article 90

3. Creating a danger by air navigation. Any person who, during a flight, as aircraft commander, member of the crew, or passenger, intentionally violates the rules of law or the recognized flight rules and thus knowingly endangers the person or the property of third parties on the ground, shall be punished by imprisonment up to three years.

If the person committing the unlawful act has acted negligently, the penalty shall be imprisonment up to six months or a fine up to ten thousand francs.

Article 91

II. Misdemeanors. Any person who violates this law, the regulations issued in application thereof, or the provisions of an agreement concerning air navigation, particularly the rules concerning air traffic, air police, ground installations, aircraft, or air personnel, shall be punished by arrest up to three months or a fine up to two thousand francs.

Article 92

III. Administrative measures. 1. General. If there is a violation of the provisions of this law or the ordinances and other rules issued for its application by the authorities of jurisdiction or of the provisions of agreements concerning air navigation, the Federal Air Office may, independent of the institution and the outcome of any criminal proceedings, pronounce the following:

a. Temporary or permanent withdrawal of authorizations, licenses and certificates, or the restriction of their extent;

b. Impounding of aircraft whose further use would endanger public safety, or whose misuse may be expected.

Article 93

2. Withdrawal of licenses. A license accorded under Articles 27 or 37 may be withdrawn at any time without compensation in the case of a serious or repeated violation of his duties by the grantee.

Article 94

IV. Legal persons and corporations. When punishable acts are committed in the administration of a legal person or a corporation, the criminal provisions shall apply to the persons who acted or should have acted on its behalf, and the legal person or corporation shall be jointly liable for the payment of the fine and the costs.

Article 95

V. Criminal Code. The provisions of the Criminal Code shall be additionally applicable.

CHAPTER II—APPLICATION AND CRIMINAL PROCEEDINGS

Article 96

1. Applicability of the criminal provisions as to place. 1. Principle. Except for Articles 89, fourth paragraph, and 97, or Articles 4 to 6 of the Criminal Code, the criminal provisions shall be applicable only to a person who has committed a punishable act in Switzerland.

Article 97

2. Aircraft outside Switzerland. The provisions of the Swiss criminal law shall apply to acts committed outside Switzerland on board a Swiss aircraft employed in commercial traffic, when the person who committed the act is in Switzerland and has not been extradited or when he has been extradited to the Federal Government because of such act.

This rule shall also apply to violations of provisions of an agreement concerning air navigation concluded by Switzerland, when the aircraft is not employed in commercial traffic.

The members of the crew of a Swiss aircraft employed in commercial traffic shall always be subject to the Swiss criminal law when they have committed such act on board the aircraft or in the accomplishment of their professional functions.

Article 4, second paragraph, of the Criminal Code shall apply.

Article 98

II. Jurisdiction. Crimes and felonies committed on board an aircraft shall be subject to the criminal jurisdiction of the Federal Government.

Misdemeanors mentioned in Article 91 shall be prosecuted and adjudged by the Federal Air Office in accordance with the provisions of the fifth part of the Federal Law on Criminal Procedure of June 15, 1934.

When punishable acts have been committed on board a foreign aircraft over Switzerland or on board a Swiss aircraft outside Switzerland, the authority that has jurisdiction under the Federal Law on Criminal Procedure may forego the institution of criminal proceedings.

Article 99

III. Powers of the Commander. When a crime or a felony is committed in Switzerland or outside Switzerland on board a Swiss aircraft employed in commercial traffic, the commander must obtain and assure proof thereof.

Until the arrival of the authority of jurisdiction, he shall undertake to make all inquiries that should not suffer any delay, and, if necessary, shall temporarily arrest the suspects, search the passengers

and members of the crew and impound any objects that may serve as proof. Articles 62 to 64, 65, 69, and 74 to 85 of the Federal Law on Criminal Procedure of June 15, 1934 pertaining to temporary arrest, impounding, securing of papers and interrogation of witnesses shall be applicable by analogy.

When, after the facts have been established, the aircraft lands abroad, the Swiss consul at the locality of the place of landing must be informed; and instructions shall be asked of him.

After the end of the trip, the commander shall submit a written report to the Federal Air Office concerning the facts and the investigation.

Article 100

IV. Compulsory information. All police or judicial authorities shall inform the Federal Air Office of any punishable fact that may lead to withdrawal of authorizations, licenses and certificates in the sense of Article 92.

THIRD PART—DEVELOPMENT OF AIR NAVIGATION

Article 101

I. Payments by the Federal Government. Insofar as Switzerland or a considerable part thereof is interested therein, the Federal Government may support air navigation by subsidies and loans, in particular:

- a. The operation of scheduled air lines;
- b. The creation and operation of airports, of installations of air safety, and the application of all other measures of air safety;
- c. The training of air personnel, including that of the service of air safety.

When new and necessary installations cannot be adapted to the safety of air navigation in accordance with Article 47 without additional expenditures, the Federal Government may, in exceptional cases, alleviate such expenditures by a subsidy.

In all cases, the financial status of the beneficiary of federal payments shall be taken into consideration.

Article 102

II. Holding of shares. The Federal Government may own shares in enterprises operating airports and in enterprises of air transportation provided this is in the general interest.

Article 103

III. Mixed corporations. The domestic, continental, or intercontinental air service which is declared of general interest by the Department of the Post Office and Railroads, shall be operated by a Swiss air transportation company of mixed character, in which the Federal Government has a financial interest. The cantons and communities may also own shares in such an enterprise. The charter of such corporation shall be submitted to the Federal Council for its approval.

FOURTH PART—APPLICATION AND FINAL PROVISIONS

Article 104

I. Reservation of laws on telegraph and telephone. Radioelectric stations may not be established and operated without a license from the Administration of the Post Office, Telegraph and Telephones.

Radioelectric stations may be used only by persons to whom the administration of the Post Office, Telegraphs and Telephones has granted a certificate of fitness in accordance with the provisions of law.

Article 105

II. Reservation of customs laws. The provisions of the customs law shall be reserved.

The operators of airports shall provide the office facilities necessary for customs formalities.

Article 106

III. Application of the law to military aircraft. 1. General. The Federal Government shall be liable only under Articles 64 to 74, and 77 to 79, for damages caused by a Swiss military aircraft to persons and property on the ground.

Otherwise this law shall apply to military aircraft only to the extent that it has expressly been declared applicable to them by the Federal Council.

Article 107

Rules for flight safety and ordinance concerning signals. The service concerned within the military department, in agreement with the Federal Air Office, shall take the measures necessary for the observation by use of military aircraft of the rules issued in the interest of flight safety and of those which concern signals. When these rules are determined by international agreements concluded by Switzerland, they shall fully apply to such military use.

Article 108

IV. Special rules. The Federal Council may declare that certain provisions of this law shall not apply:

- a. To aircraft of the State that are not military aircraft;
- b. To private aircraft that are not airplanes.

If the circumstances warrant, it may establish special rules for such categories of aircraft. However, measures of the Federal Council may not be in derogation of the provisions concerning civil liability and of the criminal provisions of this law.

Article 109

V. Application of international agreements and adaptation to technical developments. Prior to regulation by law, the Federal Council shall be authorized to take any measures providing for:

- a. The application of international agreements relating to air navigation that have been approved by the Federal Congress;
- b. The application of the rules contained in such agreements to air flight in Switzerland;
- c. The application of technical innovations in the field of air navigation.

Article 110

VI. Repealing clause. All conflicting provisions shall be repealed as of the date when this law takes effect, particularly:

- a. The order of the Federal Council of January 27, 1920 concerning the regulation of air flight in Switzerland and the provisions for application thereof issued by the Department of the Post Office and Railroads and the Air Office;
- b. The regulations of the Federal Council of January 24, 1921 concerning flight of aircraft above, and on, water.

Article 111

VII. Effective date; application. The Federal Council shall set the date when this law will take effect; it shall be in charge of its application.⁵

⁵ On June 5, 1950, the Federal Council issued regulations concerning the application of the Law on Air Navigation (*Règlement d'exécution de la loi sur la navigation aérienne*), also published in *Recueil des Lois Fédérales*, No. 19, June 6, 1950, p. 517. The chapters of these Regulations are entitled as follows: A. Aircraft; B. Air personnel; C. Ground installations; D. Police regulations; E. Commercial air navigation; F. Liability to third persons on the ground; G. Administrative provisions; H. Transitory and final provisions. The Regulations took effect on June 15, 1950. These regulations were amended by Resolution of the Federal Council of December 2, 1960, published in *Sammlung der eidgenössischen Gesetze*, No. 51, December 15, 1960—On October 7, 1959, the Federal Law concerning the Aircraft Register was passed. It is published in *Sammlung*, etc., No. 44, November 8, 1960.

In addition, there is an ordinance concerning the Commission for Air Navigation of June 5, 1950, establishing and determining the jurisdiction of that commission. The effective date is also June 15, 1950.

The Mortgage Convention was ratified by Switzerland with effect of January 1, 1961. See *Sammlung*, etc., No. 44, November 8, 1960, p. 1258.

FEDERAL LAW AMENDING THE AVIATION LAW, OF JUNE 14, 1963.¹

I. The Federal Law of December 21, 1948 on Air Navigation (Aviation Law) is hereby amended as follows:

Art. 8. 2. Airports and air routes. Except as otherwise provided by the Federal Council, take-offs and landings may be made only at airports.

For landings of power driven aircraft outside an airport a permit, to be granted in a specific case or for a specific time, shall be required.

Landings outside an airport in the mountains, for purposes of training or practice, or for the transportation of tourists may be made only at airfields which have been designated by the Federal Department of Transportation and Electric Power (Verkehrsund Energiewirtschaftsdepartement) in agreement with the Federal Department of the Armed Forces and the competent Cantonal authorities. The number of such airfields must be limited.

The Federal Air office may prescribe air routes which must be followed by aircraft.

Art. 11. IV. Territorial application of laws. The airspace above Switzerland shall be subject to Swiss law.

The Federal Council may permit exceptions for foreign aircraft provided the provisions of this law regarding liability and its criminal provisions are not thereby affected.

Swiss law shall apply aboard Swiss aircraft abroad unless the law of the State within, or above which they are, must be applied.

The provisions of international agreements, recognized rules of international law and the provision of this law concerning territorial application of criminal provisions shall be reserved in all cases.

Art. 12. I. Police regulations. 1. Jurisdiction. The Federal Council shall issue police regulations for the use of the airspace, in particular for the preservation of flight safety and prevention of aircraft noise.

Art. 15. 4. Special provisions. Special police measures, particularly for the preservation of flight safety and for the prevention of aircraft noise, shall be taken by the Federal Air Office whenever a permit is issued or by special regulation.

Art. 17. 6. Emergency landing. When an aircraft in an emergency must land outside an airport, the commander, following the landing, must obtain instructions from the competent air police authorities via the local authorities.

Until such instructions are received the aircraft, its occupants and contents shall remain under the jurisdiction of the local authorities.

Art. 40. II. Service of air safety. The Federal Council shall organize the service of air safety; this service shall include in particular the services of information for traffic, communications, flight weather, and aviation, and the providing of aids to navigation.

Civil and military services of flight safety shall be combined insofar as the Federal Council does not permit exceptions.

¹ 115 *Bundesblatt*, vol. 1, No. 25 (June 27, 1963) 1400.

Art. 52. II. Aircraft register. 1. General conditions of registration. The Federal Air Office shall keep the Swiss aircraft register.

An aircraft may be registered in the Swiss aircraft register only:

- a. when it has been found airworthy by official inspection;
- b. when it is not registered in any foreign aircraft register;
- c. when it is the property of Swiss nationals, Swiss corporations, cooperatives, or associations, or of domestic public institutions or establishments; Article 54 shall be reserved.

The Federal Council shall make detailed rules concerning conditions, contents, changes in, and cancellation of registrations.

Art. 54. 3. Foreign aircraft. Aircraft which are the property of foreign nationals, may be registered in the Swiss aircraft register,

- a. When its owner is a natural person who remains in Switzerland for a considerable period and when the aircraft is intended to be regularly used from a Swiss base; or,

- b. as an exception and with the permission of the Federal Council, when the aircraft is intended to be used by a Swiss carrier for a considerable period in commercial air transportation.

II. The Federal Council shall determine the date when this law takes effect.

REPUBLIC OF SYRIA

Ministry of Public Works and Communications

Department of Civil Aviation

LEGISLATIVE DECREE NO. 101

of 28th November 1949

LAW REGULATING AIR CIRCULATION AND NAVIGATION OVER SYRIAN TERRITORY ¹

The Council of Ministers,

By Virtue of the powers vested therein,

And in accordance with the proposal of the Minister of Public Works and Communications,

And in accordance with the Council of Ministers' Decision No. 251, dated 28th November 1949,

Decrees the following:

Article 1. The Law attached to this Legislative Decree which regulates Air Circulation and Navigation over Syrian territory shall be ratified.

Article 2. This Legislative Decree shall be published and notified to the authorities concerned for execution.

LAW

Regulating Air Circulation and Navigation Over Syrian Territory

CHAPTER 1. AIRCRAFT

SECTION 1. GENERAL REGULATIONS

Article 1. The State has complete and absolute sovereignty over the air space above its territory. Insofar as the application of this Law is concerned, the territory of the State includes its territorial waters.

Article 2. No aircraft shall fly over Syrian territory or land thereon unless it has obtained permission in accordance with the provisions of this Law.

Article 3. "Aircraft" includes every machine or apparatus which can become airborne due to the displacement of air.

¹ Pub. in Off. Gaz. No. 66, Dec. 12, 1949. English text supplied by the Government of Syria.

Article 4. Aircraft used in Military, Customs and Police services shall be deemed to be State aircraft.

Article 5. All aircraft which are not included in the category of State aircraft shall be deemed to be civil aircraft.

SECTION 2. NATIONALITY OF AIRCRAFT

Article 6. The Ministry of Public Works and Communications shall keep a register which lists the aircraft possessed by Syrian nationals and by companies or partnerships holding Syrian nationality, provided that two thirds of the capital of these companies are owned by Syrian nationals and that, in the case of joint stock companies, all the shares are issued in the name of owners and that the general manager as well as two thirds of the members of the board of directors including necessarily the chairman, are all Syrian nationals.

No aircraft can be registered unless it holds a Certificate of Airworthiness.

Article 7. The Certificate of Registration shall always be posted in the aircraft in a place where it can be easily noticed by passengers and persons entitled by law to the right of inspection.

Article 8. Every aircraft registered in the aforesaid manner shall acquire Syrian Nationality and shall bear nationality letters and registration markings.

The conditions for the granting of Certificates of Registration shall be specified by a decision to be issued by the Minister of Public Works and Communications.

Article 9. Every aircraft not registered in the Register referred to in Article 6 and not bearing the nationality letters and registration markings specified in Article 8 shall be deemed to be a foreign aircraft.

Article 10. Every aircraft registered in the Register referred to in Article 6 shall forfeit Syrian Nationality if the conditions prescribed in that Article are not duly complied with or if it has been registered by its owner in a foreign country.

Article 11. An aircraft registered abroad cannot be registered in the Register referred to in Article 6 unless it is proven that its registration in the foreign register has been cancelled.

SECTION 3. OWNERSHIP OF AIRCRAFT

Article 12. The Register shall include the name and place of residence of the owner and the type, name and serial number of the aircraft.

Article 13. Aircraft are transferable properties insofar as the application of the laws and provisions in force in the Republic of Syria is concerned. The transaction of transfer shall include a document and shall be invalid with respect to the second person or persons unless it has been registered in the Register referred to in Article 6 of this Law.

Every transfer of property resulting from death and every verdict providing for the transfer, assignment or declaration of property shall be recorded in the aforesaid Register at the request of the new owner.

The records of registration shall be published and shall be available for the use of the public at the offices of the Ministry of Public Works and Communications.

SECTION 4. SEIZURE AND SALE OF AIRCRAFT

Article 14. The seizure and obligatory sale of an aircraft shall be effected in accordance with the "Law on Execution of Judgment" except in cases laid down in Article 27 of the Convention on International Civil Aviation concluded in Chicago in 1944.

Article 15. If damage is caused by the crash of a foreign aircraft or an aircraft whose owner resides abroad, or if a foreigner violates the provisions of this Law, the local administrative authorities or the officials referred to in Article 85 below can call upon the police forces to detain the aircraft involved for a period of 72 hours to enable competent officials to reach the place of the accident and estimate damages. If the accident involves a violation of the Law the pecuniary penalties as well as other expenses incurred will be assessed. The officials shall order the immediate deposit of the amount unless a competent guarantor is provided. If the amount is not deposited nor the guarantor provided, the aircraft shall be seized until the case is finally settled. In the latter case the owner of the aircraft shall bear all the expenses incurred.

Article 16. The public authorities have the right to seize every aircraft even though it may be foreign if it does not duly comply with the conditions prescribed in the laws, decisions and regulations in force regarding air circulation or if its pilot has violated these laws.

No verdict can be passed for the seizure of an aircraft except in the cases prescribed in the laws, decisions and regulations in force or those that may be issued in the future.

CHAPTER II. AIR CIRCULATION

SECTION 1. RIGHT OF NAVIGATION

Article 17. Aircraft belonging to the government of a foreign state shall not be allowed to fly over Syrian territory, including territorial waters, or to land thereon unless special permission has been granted by the Ministry of Public Works and Communications on the approval of the Ministry of National Defence or in accordance with a prior agreement and conforming to the provisions of that permission or agreement.

Article 18. No foreign aircraft capable of being flown without a pilot shall have the right to fly over Syrian territory without a pilot unless special permission has been obtained from the Minister of Public Works and Communications and the provisions thereto are complied with.

Article 19. Foreign civil aircraft shall not have the right to fly over Syrian territory unless the right to overfly is recognized by virtue of an international convention or if they are in possession of a special or temporary permit issued by the Ministry of Public Works and Communications.

However, foreign civil aircraft, which are entitled to the right to overfly as recognized by an international convention, shall be subject to the same reservations and restrictions as those which the foreign state to which the aircraft belong applies to Syrian aircraft.

The Minister of Public Works and Communications shall have the right to issue decisions and communiques specifying the procedures in accordance with which these special or temporary permits are granted.

Article 20. No scheduled international air services can be established and operated except in accordance with duly ratified international agreements. The Council of Ministers, however, may grant temporary permission for the establishment and operation of scheduled international services upon the proposal of the Minister of Public Works and Communications.

Article 21. Commercial transportation by air of passengers or goods between two points within the territory of the Republic of Syria can only be undertaken by persons or establishments bearing Syrian Nationality.

No internal air services can be established and operated unless authorization is granted by a decree issued by the Council of Ministers and in accordance with its terms.

Article 22. Legal relations between passengers on board a foreign aircraft during its flight shall be governed by the laws in force in the aircraft in question provided that the provisions of Article 18 of the Syrian Penal Code are taken into consideration.

Article 23. If a foreign aircraft is involved in an accident and crashes on Syrian territory, the competent authorities in the Republic of Syria shall conduct the inquiry and investigation into the causes of the accident. The government to which the aircraft belongs, however, shall have the right to appoint observers to follow the course of the inquiry provided that reciprocal treatment is accorded.

Article 24. The right of an aircraft to fly over private property shall not be exercised in such a way as to hinder the owner of the property in question from exercising his rights of ownership.

International air services shall follow the routes specified in Article 38 of this Law unless otherwise authorized and in cases of emergency.

Article 25. Flights over certain areas of Syrian territory may be prohibited for military reasons or for reasons relating to public security. These areas shall be specified by a decision issued by the Minister of Public Works and Communications, in accordance with the requests of the Minister of Interior or of National Defence. Under special circumstances or in the interest of public security, flight over the whole or any part of Syrian territory may be temporarily and immediately suspended by a decree issued by the Council of Ministers.

An aircraft which enters a prohibited area shall transmit the regular signal immediately after it becomes aware of its transgression and shall land at the nearest aerodrome outside the prohibited area.

If an area is declared in a state of siege and overflying is prohibited, every aircraft which violates the prohibition shall be seized immediately on landing at any point in Syrian territory and its occupants shall be brought before military courts on charges of espionage if the pilot fails to explain satisfactorily the reasons which compelled him to fly over this area.

An aircraft observed flying over a prohibited area, shall, upon the first warning by shots in the air, land at the nearest aerodrome, and, when warning for landing is given, shall immediately reduce speed and fly at a low level: otherwise it may be compelled to do so by force.

Article 26. Except in cases of absolute necessity, an aircraft shall not fly over a town, an inhabited space or a place of gathering such as sea baths, race courses, sport grounds, except at such height as would always enable it to land outside the populated area or at a public aerodrome even though its engines cease to operate.

This height shall not be less than 500 metres in the case of multi-engined aircraft and not less than 700 metres in the case of single-engined aircraft.

Article 27. Acrobatic flights involving dangerous manœuvres which are unnecessary for the proper operation of the aircraft shall be forbidden over towns, inhabited areas and places of gathering or over those places in the aerodromes which are open to the public.

Article 28. Manœuvres of aircraft designed to perform public displays cannot be undertaken, irrespective of the place chosen for such performances except by special permission of the Minister of Public Works and Communications.

This permission, however, shall not exempt the owners and pilots of the aircraft concerned and the organizers of the display from acting in conformity with the regulations relating to the organization of public displays.

SECTION 2. LANDING OF AIRCRAFT

Article 29. Except in cases of force majeure, aircraft shall not be allowed to land in or depart from any places other than public aerodromes, aerodromes open to the public, private landing grounds legally established, or military aerodromes assigned by a decision to be issued by the Minister of Public Works and Communications in agreement with the Minister of National Defence.

On their landing at or at departure from a public aerodrome or an aerodrome open to the public, pilots of aircraft shall strictly comply with the general rules of discipline and the special regulations for the aerodrome concerned.

Article 30. If an aircraft lands in a private estate the owner of the land involved shall not have the right to object to the removal or departure of the aircraft from his land, so long as no decision for its seizure is passed except in the case referred to in Article 15.

SECTION 3. AERODROMES

Article 31. Every tract of land or surface of water equipped to shelter, tend and repair aircraft or to handle passengers or goods shall be considered an aerodrome.

Article 32. Every tract of land on which landings or take-offs can be effected and which does not possess for public use the facilities required for sheltering and maintaining aircraft or for handling passengers or goods shall be considered a landing ground.

Article 33. With respect to their regulations and administration, aerodromes shall be divided into the following three categories:

(a) Public Aerodromes administered by the State or Municipality, the conditions of use and exploitation of which shall be specified by a decree to be issued by the Council of Ministers.

(b) Aerodromes open to the public, licensed in accordance with the provisions of Articles 34 and 35 below.

(c) Private landing grounds, licensed in accordance with the provisions of Article 36 below.

Article 34. Applications for licences to establish aerodromes shall be submitted to the Ministry of Public Works and Communications. The following documents shall be attached to the application:

1) A general map showing the site of the aerodrome in relation to neighbouring towns.

2) A map of the aerodrome and its neighbourhood to a distance of 1,000 metres from the boundaries of the aerodrome at a scale not less than 1/2500.

3) A statement explaining the intended use of the aerodrome.

4) A certified document indicating that its use for the specified purpose has been approved by the owner or owners of the estate.

5) The bylaws of the aerodrome.

The Minister shall have the right to ask for any further information that he deems useful for the consideration of the application.

Article 35. The competent Public Works and Communications Services shall conduct the necessary investigations and approve or refuse the licensing of the aerodrome without giving the motives in case of refusal. An applicant whose application is rejected has the right to refer the question to the Council of Ministers. The decision of this Council is final and not open to litigation before judicial or administrative authorities.

The decision granting the licence shall specify the conditions with which the aerodrome and its attached installations shall comply. If deemed necessary, the aerodrome shall be denied the right to admit certain categories of aircraft.

The fees to be collected from the operators of the aerodrome shall also be specified.

The Minister of Public Works and Communications shall have the right at any time to require certain alterations to these aerodromes either in the interest of public security or to make them conform to the rules of air circulation to ensure comfort and safety at the aerodrome concerned.

Article 36. Every person in possession of a tract of land or surface of water may apply for its classification as a landing ground for his personal use or for the use of persons whom he may invite to use it.

He shall submit an application to the Minister of Public Works and Communications stating his wish to establish a licensed landing ground.

The documents referred to in paragraphs 1, 3 and 4 of Article 34 of this Law shall be attached to this application.

The Minister of Public Works and Communications shall grant or refuse the licence applied for without giving the motives in case of refusal. Any refusal shall be made in accordance with the procedures laid down in paragraph 1 of Article 35 above. On no account shall the persons who have established a private landing ground derive any direct or indirect benefit from those persons whom they may invite to use the tract of land or surface of water for their aircraft.

Signs shall be displayed on landing grounds to identify them and to indicate to pilots whether or not they are open for public use. These signs shall be specified by a decision to be issued by the Minister of Public Works and Communications.

Article 37. Persons or companies in possession of a licence to establish an aerodrome shall keep a Register in which they shall record the arrival and departure of aircraft. They shall produce this Register at every request of officials of the civil administration or the military forces. The latter shall have the liberty to enter the aerodrome and its attached installations at any time.

Article 38. Lists of customs aerodromes and points where frontiers may be crossed shall be specified by a decision to be issued by the Minister of Public Works and Communications after the approval of the Minister of National Defence.

Every aircraft entering Syrian territory shall land at one of these customs aerodromes for examination by the Customs and other authorities unless it has been licensed to overfly Syrian territory without landing. Such aircraft shall depart for territory outside Syria from customs aerodromes.

All aircraft whether intending to land on Syrian territory or to overfly Syrian frontiers shall cross Syrian frontiers only at points designated for entry and exit.

However, certain categories of aircraft intended for a particular use may be exempted from landing at customs aerodromes by an administrative permit granted in accordance with a decision issued by the Minister of Public Works and Communications. The aerodromes designated for arrival and departure, the air routes to be followed and the call-signs to be given on crossing the frontiers shall be specified in the permit.

Article 39. Whenever an aircraft crosses the Syrian frontiers, for reasons beyond its control, violating the provisions of Article 38 of this Law, it shall submit evidence to justify its action and shall land at the nearest customs aerodrome on its route.

Whenever forced to land outside customs aerodromes mentioned in the previous Article, the aircraft shall submit evidence to justify its action and its pilot shall notify the customs or security posts which he can most easily reach. He shall not have the right to resume his journey by air before these authorities inspect the flight record of his aircraft and the detailed manifest of the cargo, if any.

Whenever the aircraft cannot resume its flight, it shall remain under the control of the customs authorities.

Article 40. Fuel, oils, spare parts and tools carried by foreign aircraft shall be exempted from customs fees and other local fees if they are retained in the aircraft on its departure from Syrian territory, provided that these commodities remain under the control of the customs and that reciprocal treatment is accorded.

Spare parts and equipment imported into Syria to be used by foreign aircraft engaged in international flights shall also be exempted from customs fees provided that they remain under the control and supervision of the customs and that reciprocal treatment is accorded.

SECTION 4. REGULATION OF AIR CIRCULATION

Article 41. Every aircraft engaged in air circulation and landing at a Syrian aerodrome shall carry the following documents:

- (a) Certificate of registration.

- (b) Certificate of airworthiness.
- (c) The appropriate licence for each member of the crew each according to his qualifications.
- (d) Journey log book.
- (e) If it is equipped with radio apparatus, a licence for radio apparatus.
- (f) If it carries passengers, a list of their names and places of embarkation and destination.
- (g) If it carries cargo, a manifest and detailed declaration of the cargo.

The owner of an aircraft shall keep the aforesaid documents for a period of 3 years as from the date of the last entry.

Article 42. An aircraft shall not have the right to fly unless it has been registered and is in possession of a certificate of airworthiness.

This certificate shall be granted in accordance with international regulations in force in Syria. With regard to aircraft registered in Syria, certificates granted by other states may be accepted provided they are approved by the Ministry of Public Works and Communications.

Article 43. The pilot and crew of every aircraft engaged in international aviation shall bear certificates of competency or a licence granted in accordance with the international regulations in force in Syria.

Article 44. The journey log book of an aircraft engaged in international flights shall include particulars of the aircraft, its crew and each journey as prescribed by international laws.

Article 45. Aircraft shall be prohibited from carrying explosives, arms, military ammunition and homing pigeons without the authorization of the Council of Ministers.

Article 46. No apparatus for wireless telegraphy or telephony or photographic equipment may be carried on board the aircraft without the authorisation of the Minister of Public Works and Communications.

Aircraft used for public transport of passengers shall be equipped with apparatus for wireless communication.

Article 47. Every aircraft which lands at an aerodrome, landing ground, or private estate shall be subject to the supervision and control of the administrative authorities.

Article 48. Every aircraft flying over any part of Syrian territory shall be subject to the orders of security posts, customs posts and Government aircraft no matter how these orders are transmitted.

Article 49. Aircraft which fly only over aerodromes and regions accepted by the administrative authorities as experimental areas, may be exempted from the conditions specified in this Law by a decision of the Minister of Public Works and Communications provided that their manoeuvres do not constitute a public display.

Such aircraft, however, must not transport passengers unless they hold certificates of airworthiness.

Article 50. Certificates of airworthiness and licences of crews as well as other certificates, either granted by the state to which the aircraft belongs or acceptable to it, shall be considered as valid for air circulation over Syrian territory, if these licences and certificates are granted in accordance with the Chicago Convention.

CHAPTER III. AIR TRANSPORTATION

SECTION 1. TRANSPORTATION OF CARGO AND FORMALITIES ON DEPARTURE AND ARRIVAL

Article 51. Contracts for the transport of cargo by air shall be concluded by a shipment invoice or receipt stating definitely that the transportation is to be effected by means of an aircraft.

Article 52. Upon arrival and before departure of an aircraft, the pilot shall submit the journey log book and the following documents to the customs:

a) If the aircraft is carrying cargo, the manifest and detailed declarations of the cargo referred to in Article 41 of this Law.

b) If the aircraft is carrying provisions, a list of the provisions.

If there is no manifest the customs officer shall mention this in the journey log book.

Article 53. The manifest shall be prepared in accordance with the international regulations in force in Syria. The consignor shall declare the goods in detail as imposed by the said international regulations.

Article 54. If there is no cargo on board the aircraft, only the journey log book will be inspected. If there is cargo, the customs representative will check the manifest and the declarations; carry out the official inspection; inspect and stamp the journey log book and manifest; seal the cargo or collection of goods if such a procedure is necessary; and make a reference in the manifest to the number of seals.

Article 55. Upon the arrival of the aircraft the customs representative shall ensure that the seals are intact, inspect the cargo, check the journey log book and keep the manifest.

Article 56. The transporter shall be responsible for the loss or damage of the transported cargo except in cases of unavoidable circumstances or inherent defects of the goods themselves.

If the consignor does not declare the value of the goods, the responsibility of the transporter shall be limited to L.S. 250 of each parcel.

Article 57. The pilot of an aircraft shall have the right to give orders en route to jettison cargo if this measure is necessary for the safety of the aircraft. He shall jettison the cheaper cargo first if he is in a position to choose. In this case he shall in no way be held responsible to the consignor or consignee for the loss of the goods. Responsibility for damages incurred while on the ground shall remain the same.

Article 58. The provisions of the Code of Commerce in force in the Republic of Syria shall be applied to air transportation provided that the above regulations are complied with.

SECTION 2. TRANSPORTATION OF PASSENGERS

Article 59. The ticket given to the passenger shall be considered as a contract for his transportation.

Transportation of passengers by aircraft cannot be undertaken unless the carrier insures the passengers in accordance with the laws and regulations in force or in accordance with the provisions of the licence or agreement granting him the right of transportation.

A list of the names of passengers shall be placed in the aircraft. The aircraft shall also have a copy of this list to be presented on every demand of the authorities charged with the enforcement of circulation regulation.

This provision, however, shall not be applied to flights in which the aircraft is to return to the aerodrome of departure without landing at any other point.

Article 60. The carrier in an international air service shall accept passengers only after confirming that they are legally permitted to land at their destination and the points at which the aircraft lands en route.

SECTION 3. OPERATION OF AIRCRAFT

Article 61. If an aircraft is chartered for several successive journeys or for a specified period, its pilot and crew shall continue to be under the administration of its owner unless an agreement is concluded otherwise.

Article 62. The owner of an aircraft leased to another person shall continue to be responsible for legal obligations and shall, in conjunction with the lessee, be responsible for violation of these obligations.

If the lease contract is recorded in the register and if the lessee, whatever his nationality, fulfills the conditions required for the ownership of a Syrian aircraft, he shall be considered, in his capacity as the operator of the aircraft, as solely responsible for the legal obligations and the violations thereof.

SECTION 4. UTILISATION OF AIRCRAFT BY THE GOVERNMENT IN CASES OF EMERGENCY

Article 63. In exceptional circumstances such as flood and epidemics, the Minister of Public Works and Communications or the authority concerned shall have the right to requisition aircraft which are stationed at or which land at Syrian aerodromes.

CHAPTER IV. DAMAGES AND RESPONSIBILITIES

Article 64. Pilots of aircraft in flight, shall conform to the regulations relating to circulation prescribed route, lights and signals; and shall take all necessary precautions to avoid causing damages.

Article 65. The operator of an aircraft is de jure responsible for injuries to persons and damages to property on the ground which may be caused by the operation of the aircraft or by objects detached from it.

This responsibility cannot be mitigated or evaded unless it is proved that the damage incurred was caused by the injured party.

Article 66. No cargo or objects other than the legal ballast shall be thrown out of a flying aircraft except in case of force majeure.

If an object is dropped in a case of force majeure or if the legal ballast is thrown out thus causing damage to persons or property on the ground, the question of responsibility shall be decided in accordance with the provisions of the previous Article.

Article 67. If an aircraft is chartered, its owner and operator shall be jointly responsible for the damages caused by them to the other party.

If, however, the lease contract is recorded in the register, the owner of the aircraft shall not be responsible unless the injured party proves that the damages were caused by the owner himself.

CHAPTER V. PENAL PROVISIONS

Article 68. A fine of L.S. 125 to 2500 or imprisonment of 8 days to one month or both shall be imposed on every owner of an aircraft:

(a) Who has used or countenanced the use of his aircraft without having obtained a certificate of registration or a certificate of airworthiness for the aircraft.

(b) Who has used or countenanced the use of his aircraft without the registration markings referred to in Article 8 of this Law.

(c) Who has used or countenanced the use of his aircraft for flight knowing that its certificate of airworthiness has become invalid.

The person concerned shall receive notification in writing of the refusal of the competent authority to grant a certificate of airworthiness. This notification shall refute any claim based on grounds of contravention through ignorance.

Article 69. The penalties prescribed in the previous Article shall be imposed on the pilot of an aircraft:

(a) who has piloted an aircraft without a certificate or licence.

(b) who has destroyed the journey log book or inserted therein information which he knows is false.

(c) who has violated the first paragraph of Article 29 of this Law.

(d) who has piloted an aircraft knowing that it falls under one of the provisions of Article 68 of this Law.

Article 70. Penalties prescribed in Article 68 of this Law shall be imposed on:

(a) those who have violated the provisions of the first or second paragraph of Article 25 of this Law.

(b) the owners and pilots of aircraft which have landed on a private estate without the permission of its owner and without having been forced to do so by force majeure.

Article 71. The fine prescribed in Article 68 may be increased to L.S. 5000 and the period of imprisonment to two months if the violations referred to in cases (a) and (c) of the said Article and in case of (a) of Article 69, are committed after the certificate of registration or airworthiness or licence has been refused or withdrawn.

Article 72. A fine of L.S. 125 to 2500 and/or imprisonment of 8 days to one month shall be imposed on every pilot:

(a) who has violated the provisions of the third paragraph of Article 25 with respect to landing after leaving the prohibited area.

(b) who has violated the provisions of the second paragraph of Article 38 with respect to landing at customs aerodromes or the third paragraph of the same Article regarding the entry of Syrian territory at designated frontier points and fails to justify such action if necessary, he, together with the occupants of the aircraft, may be brought before competent courts on the charge of espionage.

Article 73. If the owner, seisor, or pilot of an aircraft has placed or ordered to place registration markings on the aircraft not consistent with its certificate of airworthiness, has deleted or ordered the deletion of the proper markings, or has made such markings illegible he shall be liable to a fine of L.S. 2500 to 5000 and imprisonment from 6 months to six years. Either or both of these penalties shall be imposed on every person who has placed or ordered to place on a private aircraft the distinctive markings assigned for public aircraft, or, has knowingly used a private aircraft bearing such markings.

Article 74. The penalties specified in Article 68 shall be imposed on every one who violates the provisions of Articles 45 and 46.

The fine shall be compulsorily increased to L.S. 5000 and the period of imprisonment increased to two months for:

(a) persons who use on board an aircraft objects or apparatus the transportation of which is forbidden.

(b) persons who use photographic equipment over prohibited areas without special authorization.

Article 75. A fine of L.S. 15 to 250 shall be imposed on every pilot of an aircraft, who violates the provisions of paragraph 2 of Article 29 or the provisions of Article 7 above.

Article 76. A fine of L.S. 15 to 250 and, if necessary, a period of imprisonment of 8 to 15 days shall be imposed on:

(a) the pilot of an aircraft who does not keep any of the registers which ought to be on board the aircraft.

(b) the owner of an aircraft who does not keep on board his aircraft any of the registers for a period of three years after the date of the last entry in them.

(c) the person who violates Article 28 of this Law or any provision not specifically mentioned in this Law.

(d) the person who violates any one of Articles 26, 27, 44, and 53 of this Law.

Article 77. An order may be passed suspending a pilot from piloting any kind of aircraft for a period of 3 months to 3 years, if he is convicted in accordance with Articles 71, 72 and 73 of this Law.

If the pilot of an aircraft is convicted for the second time of any of these offences, (within a period of 5 years from the date of the imposition of the first penalty or from the termination of the period of suspension) sentence shall be definitely passed suspending him from piloting aircraft. The period of suspension may be increased to the maximum limit or may be doubled.

The licences which the pilots of aircraft hold shall, during the period of suspension, be kept in the office of the court which issued the order of suspension.

Persons suspended shall deposit these licences either in the office of this court or in the office of the court in the area where they live within a period of 5 days after the date on which the order against them becomes final. If they fail to comply with this provision they shall be liable to a period of imprisonment of 8 days to one month and to a fine of L.S. 15 to 250. This penalty does not exclude the penalties prescribed in Article 69 in case they pilot an aircraft during the period of suspension.

Article 78. Every person who enters prohibited areas in contravention of the general regulations and instructions relating to aerodromes

designated for public use or lets cattle or animals go to or into those areas shall be liable to a fine of L.S. 50 to 500 and shall forfeit his right to compensation in case of accident. This shall not absolve him from having to provide legal compensation if required.

Article 79. No objects which may cause injury or damage to persons or property shall be thrown wilfully and uselessly from an aircraft in flight. Every person who violates this provision shall be liable to a fine of L.S. 125 to 750 or to a period of imprisonment of 8 days to two months or both even if such an act does not cause any damage. This provision shall not absolve the person concerned from his liability to more severe penalties if a felony or crime is committed through such an act.

Article 80. A period of imprisonment of 8 days to two months and a fine of L.S. 15 to 125 shall be imposed on every pilot who, knowing that he has caused an accident, does not land, thus attempting to evade civil and criminal responsibility. This, however, shall not absolve the pilot from his liability to penalty for crimes and felonies resulting therefrom, unless it is established that the immediate landing of the aircraft would expose it to danger.

Article 81. All provisions prescribed against contravention of customs regulations shall be applicable to cargo imported or exported on board an aircraft.

The discharge or throwing out of unlicensed cargo from an aircraft in flight shall be subject to penalties provided for in customs regulations and these penalties shall be doubled in accordance with the previous paragraph. Ballast and mail may be thrown out over designated places, if necessary.

Article 82. The licence and approval granted in accordance with Articles 34, 35 and 36 may be withdrawn at any time for the following reasons without prejudice to the penalties which may be imposed, if necessary:

(a) if a licensed aerodrome ceases to conform with the technical conditions on which the authorities concerned agreed to its establishment or, more generally, if the aerodrome in question has ceased to comply with the conditions prescribed in the licence.

(b) if it appears that a licensed aerodrome is dangerous or that it has been misused.

(c) if the provisions prescribed in Article 37 and in the last paragraph of Article 36 are not complied with.

(d) if general regulations and public provisions, notably customs regulations have been violated.

The licence and approval may also be withdrawn for reasons related to the security of the Republic of Syria.

The suspension or withdrawal of the decision of acceptance or licence shall be effected by a decree.

Article 83. Every person who violates the conditions referred to in the first paragraph of Article 29 concerning the use of military aerodromes and grounds may be brought before military courts without prejudice to the penalties which may be imposed in accordance with this Law.

CHAPTER VI. GENERAL REGULATIONS

Article 84. Aircraft whose certificates of airworthiness cannot be produced or whose registration markings do not conform with the certificate of registration or airworthiness can be withheld from their owners by the authorities charged to execute this Law until the identity of the owner of the aircraft is established.

Article 85. Competent representatives of the Ministry of Public Works and Communications, representatives of police and gendarmerie, authorized officials of customs departments and public security and, in general, every person sworn for this purpose, may be charged to conduct investigations into contraventions of the provisions of this Law.

These authorities may seize explosives, arms, military ammunition, homing pigeons, postal correspondence, and apparatus for wireless telegraphy and telephony which are carried by an aircraft without the special licences referred to in Articles 45 and 46 of this Law.

The transportation of unlicensed mail shall be subject to the postal laws and regulations in force.

The same authorities may seize homing pigeons, and messages transported thereby, photographic equipment and clichés carried by an aircraft licensed to carry such objects, if the said aircraft passes over prohibited areas.

Article 86. The procès-verbaux prepared in the consequence of any contravention of this Decree shall be sent without delay to the public prosecutor. The competent court shall have the right to decide whether or not to confiscate the objects or equipment seized in pursuance of this Law.

Article 87. This Law shall supersede previous decisions and provisions.

Article 88. The Ministers of State shall be charged with the execution of the provisions of this Law.

TAIWAN (FORMOSA)

CIVIL AERONAUTICS ACT

Proclaimed by order of the President on May 30th, in the 42nd year of the Republic of China (1953 A.D.)¹

CHAPTER I—DEFINITIONS

For the purposes of this Act:

Article 1

“Aircraft” shall mean an airplane, airship, balloon, and any other craft used for flight and navigation in the air.

Article 2

“Aviation enterprise” shall mean any undertaking engaged in the construction, operation or management of an aviation activity.

Article 3

“Landing field” shall mean any locality, on land or water, which is used for the takeoff and landing of aircraft. “Airdrome” shall mean a landing field and its adjoining facilities for the shelter, repair, and maintenance of aircraft, and for the loading and discharging of passengers and cargo.

Article 4

“Aviation personnel” shall include aircraft pilots, navigators, flight radio operators, flight mechanics and others engaged in maintenance of aircraft engines, air traffic control or aircraft dispatching.

Article 5

“Flight” shall mean the takeoff, the travel through the air, the landing and the taxiing on the landing field of an aircraft.

Article 6

“Civil air transport enterprise” shall mean any undertaking engaged directly in the transportation by air of mail, passengers and cargo.

Article 7

“Approach area” shall mean that area at each end of the runway of a landing area on water or land that has been designated as such

¹ Laws of the Republic of China (Taipei, Taiwan, 1958), vol. 2, p. 2201.

by the Ministry of Communications in accordance with the length of the respective runway.

Article 8

"Flight routes" shall mean the airspace designated by the Ministry of Communications as being suitable for the navigation of aircraft.

Article 9

"Air navigation facilities" shall include air communications, meteorological services, and any other kind of service intended to guide and help aircraft in the navigable airspace and for flight safety.

Article 10

"Prohibited area" shall mean any designated area over which the flight of aircraft is forbidden.

If the prohibition is based on reasons of a military nature the said area shall be designated by the Ministry of Defense. If the prohibition is based on reasons of flight safety, the said area shall be designated by the Ministry of Communications.

Article 11

"Flight control" shall mean the operation of guiding and directing an aircraft in flight.

Article 12

"Approach flight control zone" shall mean the area, and the airspace above it extending upwards to a specified height, of the landing field and a determined area surrounding it. The said area and its airspace shall be determined by the Ministry of Communications.

Article 13

The definitions in, and the application of this Act shall be limited to civil aviation.

CHAPTER II—GENERAL PROVISIONS

Article 14

The Ministry of Communications shall establish a Civil Aeronautics Bureau to manage and control civil aviation enterprises. The organization of this Bureau shall be defined in another Act.

Article 15

No foreigner shall engage in any aviation enterprise or own any private aircraft within the territory of the Republic of China except as provided by Article 17 of this Act.

Article 16

No foreign civil aircraft shall fly over, or land in the territory of the Republic of China without obtaining special permission from the Ministry of Communications.

Article 17

This Act shall apply to foreign civil aircraft and foreign civil air transport enterprises of a State which has concluded a bilateral agreement with the Republic of China regulating the rights of flight over, and the loading and unloading of passengers and cargo in certain designated districts of the territory of the Republic of China. Any such flight which does not come within the scope of this Act may be regulated in accordance with applicable international civil aviation treaties or agreements.

CHAPTER III—AIRCRAFT

Article 18

Any citizen, and the government and official organizations of the Republic of China may own private aircraft.

Article 19

The owner of an aircraft shall apply to the Ministry of Communications for registration. After investigation and approval, a certificate of registration shall be granted. Unless a certificate of registration has been cancelled the owner of a registered aircraft shall not apply to another State for registration. No aircraft registered in another State shall be registered in the Republic of China until the cancellation of the original registration is effected.

Article 20

The owner of an aircraft holding a certificate of registration shall apply to the Ministry of Communications for an examination of his aircraft; if the conclusion of the examination is satisfactory a certificate of airworthiness shall be issued.

Article 21

Any aircraft coming within the terms of one of the following paragraphs shall be deemed to be the aircraft of the Republic of China:

- a) when it belongs to a citizen of the Republic of China;
- b) when it belongs to the central or local government agencies of the Republic of China;
- c) when it belongs to a juridical person that has been established in accordance with the law of the Republic of China and which has its main office in the Republic of China. Such juridical person shall comply with one of the following provisions:
 - i. in the case of an unlimited company, all the shareholders shall be citizens of the Republic of China;

ii. in the case of a mixed liability company or a mixed joint stock company, all the unlimited liability shareholders shall be citizens of the Republic of China;

iii. in the case of a limited joint stock company, the chairman of the board of directors or the general manager and over two thirds of the board of directors shall be citizens of the Republic of China;

iv. all the representatives of any other kind of juridical person shall be citizens of the Republic of China.

Any aircraft not belonging to the Republic of China shall not be entitled to registration in the Republic of China.

Article 22

After the registration of an aircraft, the nationality mark of the Republic of China and the registration number shall be placed on the aircraft in an easily visible position.

Article 23

The certificate of registration shall become invalid when one of the following events occurs:

- a) the right of ownership in the aircraft is transferred;
- b) the aircraft is destroyed or damaged;
- c) the aircraft is dismantled or abandoned;
- d) the aircraft loses its nationality.

Article 24

The certificate of airworthiness shall become invalid when one of the following events occurs:

- a) the date of expiration has passed;
- b) the certificate of registration becomes invalid;
- c) the aircraft does not comply with the conditions of flight safety.

Article 25

The Ministry of Communications shall announce the invalidation of the certificate of registration and of the certificate of airworthiness at the time of their becoming invalid; such certificates shall be returned by the holder thereof within twenty days from their invalidation.

Article 26

The Ministry of Communications shall cancel the registration of an aircraft and order the return of the certificate of registration in the event of the registered aircraft contravening the second paragraph of Article 19 or paragraphs of (a), (b) or (c) of Article 21.

Article 27

In addition to the cancellation under Articles 25 and 26 of this Act, the Ministry of Communications shall cancel the registration of an aircraft when the certificate of registration becomes invalid.

Article 28

Unless otherwise expressly provided in this Act, the law concerning movable property under the Civil Code shall apply to aircraft.

Article 29

Any aircraft may be the object of a mortgage.

Article 30

The transfer of the right of ownership in, the establishment of a mortgage over, or the lease of an aircraft shall be registered; the absence of such registration shall be a bar to any action against third parties.

Article 31

Articles 13 to 16 inclusive, and Articles 18 to 21 inclusive of the Maritime Law shall apply to co-ownership of aircraft.

Article 32

Unless otherwise expressly provided by this Act or by law, an aircraft shall not be subject to detention, seizure or provisional seizure from the time the flight begins and during the journey.

CHAPTER IV—AVIATION PERSONNEL

Article 33

Any member of the aviation personnel shall be a citizen of the Republic of China. A citizen of any friendly country, that grants reciprocity, who has obtained a pilot's license and an authorization certificate from the Chinese Government may operate in the territory of the Republic of China.

Article 34

The Ministry of Communications shall issue a pilot's license and an authorisation certificate to aviation personnel who have successfully passed the examination. Aviation personnel shall be entitled to operate only after obtaining the said certificates; the said certificates shall always be carried during operation.

Article 35

The Ministry of Communications may hold an inspection of aviation personnel at any time. In the case of a technical, physical or personal deficiency the right of the aviation personnel to operate shall be limited, suspended or revoked.

Article 36

The Ministry of Communications may cooperate with the Ministry of Education for the purpose of establishing civil aeronautical schools to train aviation personnel and to promote civil aviation enterprises.

CHAPTER V—AIRDROMES AND AIR NAVIGATION FACILITIES

Article 37

The Ministry of Communications shall be responsible for the establishment of national airdromes. Provincial and municipal airdromes may be established if approved by the Ministry of Communications. These principles shall apply in the case of the closing down of an airdrome.

No airdrome may be established without complying with the provisions of this Article.

Article 38

No citizen or juridical person coming under paragraph (c) of Article 21 of this Act shall have the right to establish or manage a landing field without obtaining the approval of the Ministry of Communications.

The manager and the operator of such landing field shall be citizens of the Republic of China.

Article 39

No airdrome or landing field shall be used without the permission of the Ministry of Communications for any purpose other than that for which it has been established.

Article 40

The closing down, transfer or lease of the management of a landing field shall be subject to the approval of the Ministry of Communications.

Article 41

Air navigation facilities within the National territory shall be planned and managed by the Ministry of Communications.

Article 42

With due regard to flight safety, the Ministry of Communications may restrict any construction within the approach area of a landing field.

Article 43

The Ministry of Communications may order the extinguishing or the concealing of any light showing in or near the navigable airspace which may endanger flying.

Article 44

The Ministry of Communications may order the owner of an obstacle within the navigable airspace which endangers flying to remove the said obstacle or to set up warning lights and markings.